ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

EIGHTEENTH CONGRESS—FIRST SESSION.

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THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

EIGHTEENTH CONGRESS.—FIRST SESSION:

COMPRISING THE PERIOD FROM DECEMBER 1, 1823, TO MAY 27, 1824,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:
PRINTED AND PUBLISHED BY GALES AND SEATON.
1856.

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Mr. McLane, of Delaware, differed from the gentleman from Massachusetts, not as to his facts, nor as to the inferences he drew from them; but as to the policy of permitting those inferences to induce us to abolish this duty. The question is not whether the State of New York will be benefited in her manufactures and her canal, by the flouring and transit of the Canada wheat, because her own grain can as well be floured and carried as that of Canada. The quantity of wheat grown in our country must always be regulated by the demand in the foreign market. If, then, by facilitating the transit, you bring Canada wheat into that foreign market, just so far you discourage and diminish the growth of American grain. The argument of the gentleman goes only to the benefit of the miller and the canal; but the provision in the bill covers not only the miller and the canal, (by giving to both our own wheat instead of foreign,) but it covers the wheat grower also, by excluding competition. The only difference is, that, in the one case, the Government gets the revenue. But is it sound policy to build our revenue on the growth of a rival and neighboring State?—on the encouragement of foreign, in the place of domestic, agriculture? Did any wise government ever pursue such a policy?

Here Mr. P. P. Barbour rose and apologized for again occupying the Committee, contrary to his usual habit of never rising twice to speak to the same general subject on the same day. But he felt himself constrained to make some reply to a remark that had fallen from the gentleman from Pennsylvania. He said something about my claiming for Virginia an exclusive dominion over the growing of wheat. I never advanced any such claim. I said that wheat was a great staple in that part of the State from which I came; and I said no more. But the gentleman farther said, if I rightly heard and understood him, that if Virginia *ever looked beyond her own confines for any thing but political power*, she might have seen that her neighbors were interested in this duty.

[Mr. Ingham observed that he had not used the word "ever," but had said, "if Virginia could look beyond her own boundaries for any thing but political power, she would have seen," &c. Such was the expression, and the gentleman might make the most of it.]

Mr. Barbour resumed. I should hesitate here to be the eulogist of Virginia; but, as a Virginian, born and nurtured within the bounds of that State, I should be lacking in a duty, which is even prior to the duty I owe to the House, did I not vindicate her character from such an aspersion as that cast upon it by the gentleman from Pennsylvania. What is there in the conduct of Virginia to merit such a reflection? If she has enjoyed, at any time, in this confederacy, more power than has been enjoyed by other States, whence was that power derived? Whence did she obtain it? From the free consent of the people of this Union, as expressed on this floor, and elsewhere; in part, from the consent of Pennsylvania herself. Did she possess more power than was justly due to her? He would appeal to all who heard him, whether these United States were not indebted to Virginia for many and signal benefits? It was Virginia that laid the very foundation of the Federal Government; and, ever since its formation, that share of political power, which her sister States have granted to her, has been exercised for the benefit and prosperity of the whole Confederacy. Of this, there has been the most distinct and universal acknowledgment. Look, said Mr. B., at her moneyed sacrifices to the interest of this Government. Virginia led the way in the voluntary surrender of her immense territory—a territory which has since furnished to this Confederacy three entire States, that are now rising monthly, weekly, ay, hourly, in dignity, in importance, and power. He did think the gentleman from Pennsylvania might have spared the reflection. We live in a country where all are free. The way to power is alike open to all. It cannot be obtained or held but by the voluntary assent of a majority of citizens. If Virginia gave to the Confederacy great men in the field and in the cabinet, was this to be made a reproach? If her citizens had attained to an exalted station, who placed them there? and was it not acknowledged that they had filled that station with an honest and a successful endeavor to promote the public good? and if she had poured millions into the Treasury of the General Government, from the sale of lands that once were hers, should this be imputed to her as a fault? If such things as these were grounds of reproach, then was Virginia indeed to blame.

Mr. Ingham rose in reply. He said, that the passing remark he had made, was one which grew out of the gentleman's own course of debate. When the gentleman said, that Virginia had no interest in, or wish for, the protecting duty proposed in the bill, he seemed to think he had stated a sufficient reason why it should be stricken out at once. But, in such circumstances, Mr. I said, he could not but advert to another bill that had lately been before this House, the bill for internal improvements, against which Virginia had set herself in array, with all the immense powers of her line. He was not now inclined to controvert the statement the gentleman had made as to the lofty claims and merits of Virginia. He did not think it properly belonged to the present debate, though, if that subject came fairly up for discussion, he believed it would be found there were two sides to that question. In stating the political course of Virginia, in establishing the interests of this Confederacy, the gentleman might have remembered that, in the whole of that course, she was essentially aided by her old friend, Pennsylvania; but now she had increased in power and importance, till she seemed to think she might set up for herself, throw off her old friend and coadjutor, and say to Pennsylvania, "We don't want you." Pennsylvania, the moment she could be relieved from that struggle in which she had so essentially supported Virginia for the general good, turned her anxieties to her individual interests, and, as a darling object, took up the plan of internal improvements, of the domestic policy of the country. But no sooner did she appear with it on this floor, than

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she was met by her old companion and friend with reproach, with ridicule, and, he would add, with contumely. Who was there but would say with him that Virginia *had* looked over this nation with a view to power? The gentleman says she merited it. It may be so. I shall say nothing to her disparagement. I shall not dispute that she has given many great men to the Republic, and I approve her general political course. But it might be said, it had been said, though he should not say it, that she had pursued that course with a selfish view to her own ascendency. [Here the Chairman called Mr. **Ingham** to order.]

Mr. **Clay** regretted exceedingly, the course the debate had taken. It was certainly altogether unnecessary. The great merits of Virginia and Pennsylvania were known to all, and need not be repeated on this floor. Why should gentlemen indulge in such a course of reflection? It had no connexion with the subject before the House, and he hoped it was now over.

Mr. **Archer** rose, not to offer an argument, but only for the purpose of making an inquiry.

The **Chairman** having pronounced this to be in order,

Mr. **Archer** said, he wished to inquire whether he had heard the gentleman rightly, when he said "he did not mean to say any thing to the disparagement of Virginia?"

Mr. **Ingham** replied, that he could scarcely conceive a motive for such an inquiry. He had certainly expressed himself very distinctly. He had not imputed to Virginia a dishonorable ambition, or dishonorable motives in her ambition.

Mr. **Webster** resumed the course of debate. He said, since the very extraordinary discussion to which they had been listening was at length at an end, he hoped the House would now return to the question properly before them. He thought the argument adduced for the duty was of a singular kind. It amounted to this: Our wheat rots upon our hands in stacks and in sacks. We can't sell it; we don't know what to do with it; and now we must take care lest anybody else should bring any here. The gentlemen think, that to leave the duty without increase will encourage the settlement of Canada. They ask if we shall bring strangers into our market? and the gentleman from Pennsylvania says I ought, at once, to move to strike out the ad valorem duty—as if the whole profit of transit, for which I argue, did not turn on that very duty. No, sir; I am not quite in so wild an extreme, either on the one side or the other. As to encouraging the settlement of Canada, does not that gentleman know that there are inducements on our side of the line, against which no sort of competition can for a moment be presented? Does not he consider that this must necessarily be the case, from the difference between a free, popular, home government, and the colonial government of a distant dependency of a monarchy? Give it what advantages you please—add bounty to bounty, it is the same thing; nothing can destroy this necessary essential difference. The argument amounts to this—if you don't give our own citizens a duty of more than fifteen per cent., they will go over to the Canada side. Why, let them go then. If this is all that keeps them, they are certainly unfit to be citizens of this Republic. The gentlemen say, if you keep out the Canada wheat from our canal, our wheat will find a foreign market. Why, sir, so will the Canada wheat. The bushel of wheat that grew on one side of the line will very probably meet in the West Indies the very bushel that grew opposite to it on the other side. You can't keep it out. The true question is, whether the expenses of going round by Montreal and Quebec will so raise its price in the foreign market that the gain upon the wheat we sell there will more than compensate us for the loss of the ad valorem duty, the transit toll, and the commercial commission and charges for the shipment? That is the real question, and it must be decided by facts, of which I am not at present master; but I should suppose it would not, by any means. Gentlemen are afraid the Canada wheat will be consumed in New York. Why, sir, it makes not a cent of odds if it is; because so much more of our own wheat will be exported in the place of it. New York is not only a consumer, but an exporter at the same time. The gentleman from Delaware says, if the Canada wheat does not come down the canal, our own will come down in its place. No, sir; because New York is not the place of consumption, not the final market.

The great argument for the transit is from the revenue it will produce at fifteen per cent. ad valorem. All our drawback system is founded on transit, and a very productive system it has proved. Gentlemen ought always to keep it in mind that the admission of the Canada wheat to pass through the State does not prevent the manufacture of our own within the State.

Mr. **Clay** said he was greatly surprised at the argument of the gentleman from Massachusetts. It was certainly not correct that, if the Canada wheat did not come down our canal, it would get as cheaply to the foreign market by the way of the St. Lawrence.

[Mr. **Webster** explained. He had not been so absurd as to say this.]

Mr. **Clay**. Then the gentleman surrenders the argument; for it gets to the West Indies, in that route, burdened with additional costs of transportation; it is no longer able to compete with ours, and the market is secured to our own agriculturist. The Canada flour is certainly eaten somewhere, either in the United States or in a foreign market; if in the United States, then so much of our own is displaced, and, to its whole amount, it is an injury to the American wheat grower; if in a foreign market, then, if that market was great enough to consume both all the Canada wheat and all ours, the gentleman's argument might hold. But such is not the fact. Ours and the Canada must compete for the same consumer. Why, then, bring the Canada wheat to that consumer any cheaper, by the use of our canal? Wherever the Canada wheat goes, go where it may, it takes the place of so much American wheat, whether at home or abroad. Besides, if you cut off their flour from the use of our canal, you keep it at home for all that portion of the year that the St. Lawrence is closed with ice, while our canal is open. The British warehousing system did not apply to this case. Gentlemen did not seem to be aware of the advantage of the home consumption. The city of New York alone did not consume less than 800,000 barrels of flour annually. If Canada flour comes to New York for consumption, so much American is excluded. No matter, says the gentleman from Massachusetts, because so much more American goes abroad. Very true, if there was a market ready abroad to receive it; but this is not the case, and therefore it is a dead loss to the American farmer. Such was the fertility of the Canadian peninsula, between Lakes Erie and Ontario, and so cheap were the lands sold by the British Government, that the settler there could afford to undersell the farmer of the United States, whose land costs him ten times as much.

Mr. Webster rejoined, and said that the great difficulty, if there were any, lay in telling what would be the effect of the duty if laid. Would it prevent the consumption of foreign wheat in New York? Formerly, the price was the same on both sides of the lines. Now, on account of the increased facility of getting to a market, the price is raised on this side. All that is sought by the Canadian wheat grower is to use this facility: his flour comes in only that it may go out; and it would be easy to adopt regulations such as all foreign Governments have done, who encourage the transit of goods, to prevent breaking bulk. But, the gentleman asks, shall we give a rival facilities to get cheaper to a market where we go ourselves? I answer, yes; if he will pay you for this more than makes up the difference. This very consideration of transit toll from Canada was holden up and largely insisted on, when the great canal in New York was proposed. And it must not be forgotten, that the toll on the canal was not all the Canada flour paid us. It paid the merchant on the lines something; it pays the merchant at Albany something; the merchant at New York something; and, finally, it employs our navigation, and pays something to our tars.

The question being loudly called for from all quarters, it was taken, accordingly, on the motion of Mr. P. P. Barbour, to strike out the hundred and eighty-second line of the bill, "on wheat twenty-five cents per bushel," and decided in the negative—ayes 71, noes 113.

And then the Committee rose.

Saturday, February 28.

Mr. Webster, from the Judiciary Committee, reported a bill, "further to amend the Judicial system of the United States."

[This bill proposes an important change in the organization of the Courts of the United States, the main features of which are as follows: The sessions of the Supreme Court to be held, hereafter, on the 4th Monday of January, instead of February in each year—the State of Kentucky is to be divided into two districts, to be called the Eastern and the Western—the State of Ohio also to be divided into two Districts in like manner—the two Districts of Kentucky, hereafter to constitute the seventh Circuit—the two Districts of Ohio, and the District of Indiana, the Eighth Circuit—the District of Illinois and the District of Missouri, the Ninth Circuit—the two Districts of Tennessee and District of Alabama, the Tenth Circuit—the two Districts of Louisiana and the District of Mississippi, the Eleventh Circuit—that a Circuit Judge of the United States shall be appointed for each District, to constitute with the District Judge in each, a Circuit Court, &c.—the compensations of the Judges are left blank, as also are the changes proposed by the bill, of the compensations of some of the existing District Judges.]

The bill was twice read and committed.

Mr. W. from the same committee, reported a bill "to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida, and for other purposes;" which was read twice and committed.

Mr. Rich, of Vermont, from a select committee, to whom was referred a proposition to amend the rules of the House, reported the same with an amendment, the principal effect of which would be to devote Friday and Saturday in each week to the consideration of bills and reports of a private nature.

On motion of Mr. Mallary, the report was ordered to lie for consideration.

Mr. Van Rensselaer, of New York, from a select committee, to whom was referred an inquiry into the expediency of establishing a police for the Capitol, &c., reported the following joint resolution:

Resolved, &c., That the police regulations of the Corporation of the City of Washington be construed to extend to the public grounds, so far as relates to the preservation of the public order.

2. That no spirituous liquors be retailed any where in the Capitol, or on the public grounds near the same, with or without licence.

3. That the Doorkeeper of the House of Representatives be charged with the preservation of the floor and walls of all the apartments of the Capitol, not under the care of the Sergeant-at-Arms of the Senate, under the direction of the Speaker of the House of Representatives.

4. That the Marshal of the District of Columbia be empowered and directed to employ a deputy, during the session of Congress, to preserve order in the passages and apartments within the Capitol, and on the public grounds surrounding the same, under such rules and regulations as may be prescribed by the presiding officers of the two Houses of Congress.

The resolution was twice read and ordered to lie on the table.

OHIO AND MISSISSIPPI RIVERS.

Mr. Henry, of Kentucky, from the Committee on Roads and Canals, to whom was referred the Message of the President of the United States, transmitting a report of the Board of Engineers, on the navigation of the Mississippi, made a report, accompanied by a bill "to improve the navigation of the Ohio and Mississippi rivers."

[This bill proposes to authorize the President to cause dykes and sluices to be constructed, for the purpose of navigation at the lowest stage of the water, upon certain bars in the Ohio river, to remove planters, sawyers, and snags, from the bed of the Mississsippi river. The bill was twice read and committed. The report is as follows:

It is known that the great rivers Ohio and Mississippi are the principal commercial outlets of the vast and fertile regions west of the Alleghany mountains; and it must be obvious that whatever tends to obstruct or endanger the navigation of those streams cannot be regarded with indifference by that portion of our people whose interests are thus seriously and vitally affected. Your committee have, therefore, faithfully endeavored to ascertain the causes and actual condition of the obstacles, whether temporary or permanent, which now, at certain seasons of the year, prevent all navigation upon one of those rivers; and, at all seasons of the year, impair the security of navigating the other. For this purpose they have availed themselves of every source of information in their power; and have carefully examined the "Report on the Ohio and Mississippi rivers," made by General Bernard and Major Totten of the Engineer Corps, which is printed in the third volume of Executive papers, transmitted by the President during the second session of the Seventeenth Congress.

In relation to the Ohio, your committee have ascertained that there are, between the falls and the mouth, twenty-one bars crossing its channel, which render it impassable by steamboats, during six months of the year; and that six of these bars, at the lowest stages, preclude the passage of all vessels drawing three feet of water. To the bars last mentioned, our attention has been particularly directed; believing it to be the better policy, to leave the falls, at Louisville, and the majority of the bars, to be comprehended in some more extensive scheme of internal improvement.

Ths six bars which, in our opinion, fall within the range of our present policy, are indicated by the following descriptions, viz:

1st. A mile and a quarter below Flint Island, the river is obstructed by a sand bar, of about 1,200 yards in length; for the distance of 360 yards there are three and a half feet of water; for 240 yards, but two feet; and for the remaining distance of 600 yards, three and a half feet. The shoalest part is also the narrowest, the breadth being about 180 yards.

2d. Two miles above French Island, there is a sand bar of about 200 yards in length, and on which only from 20 inches to two feet of water are to be found.

3d. The bar below Henderson is fifty yards long; the channel fifty yards wide; and the least depth of water two and a half feet.

4th. The bar below Straight Island consists of two parts, one of compact, and the other of moving sand. The length of the bar is 150 yards; the breadth of the channel about 40 yards; and the least depth of water is two and a half feet.

5th. Below Willow Island (in the Mississippi Bend) is a sand bank, on which the depth of water is two and a half feet; the length of the bar is 100 yards; and the breadth of the channel about 50 yards.

6th. Opposite to Lower Smithland, and below Cumberland Island, there is a bar of moving sand; its length is 80 yards, and the depth over it, two feet.

In addition to the impediments above described, there is another of a different kind, which deserves to be mentioned, viz: On the right side of the river, (below the mouth of Deer creek,) about fifteen yards from the bank, there is a rock fifty feet long, parallel with the shore, fifteen feet broad, and rising fifteen feet above the surface of the water, at its lowest stage. In times of flood, this rock, covered by a few feet of water, is very dangerous, and can only be avoided by accident or by skilful pilotage.

The most eligible means of producing the uniform depth of three feet over the bars above mentioned, is recommended in the report of the Engineer Corps, already referred to, viz: the construction of dykes, which, by confining the current to a particular channel, will necessarily swell the volume, and increase the depth of the water. These dykes are ordinarily formed by rows of piles, driven with force into the bed of the stream, and strongly wattled together; the spaces between the rows being filled with such rough and flat paving stones as the neighborhood can supply. The piles, being elevated a little above low water, the rises of the river, whether partial or general, pass over them without injury. As the dykes must extend, with the exception of the sluice, quite across the river, the length of the whole, when added together, may be estimated at about four miles and a half. The expense of this improvement will be very inconsiderable, when compared with the permanent benefits which must flow from it to the industrious and adventurous people who inhabit the shores of this great river, and its tributary streams, and have no other vent for the bulky productions of their industry.

The danger arising from the rock below the mouth of Deer Creek, should, in our opinion, be averted, by the erection of a beacon upon it, of sufficient elevation to be always visible above the highest floods.

We now turn our attention to the difficulties which embarrass the navigation of the Mississippi. These arise from the impetuosity of its current, and the almost entire absence of rock on its shores, from St. Louis to New Orleans. Hence, its constant effort to change its course; and hence the frequent submersion of whole acres of land, covered with trees of the most gigantic growth. Of the trees which are thus precipitated into the river, some are borne off by the stream; some lodge upon the shores in great masses, where they form what are called "rafts;" others become fixed, at one end, in the bed of the stream, whilst the other end inclines towards the surface; sometimes appearing above it, sometimes concealed below it. When they are so fixed as to preserve an immoveable position, they are called "planters;" but when they play up and down with restless vibration, now yielding to the pressure of the stream, and again rebounding from beneath it, they are called "sawyers."

These terrible obstacles have been the causes of much calamity to the people of the West. To say nothing of the awful occasion which consigned, in the brief space of five minutes, a large number of human beings, on board the steamboat Tennessee, to a watery grave; to say nothing of a thousand similar accidents, differing only in the degree of horror, the annual loss of property is variously estimated at from five to ten per cent. upon the whole amount which is hazarded upon the river. But can these difficulties be removed? Of this we have no doubt. Between Natchez and Baton Rouge, there are now fewer rafts, planters, and sawyers, than formerly; and between

Baton Rouge and New Orleans, they are rarely to be seen. Below Baton Rouge the forest has been succeeded by cultivated fields, and the disposition of the river to encroach upon its shores, is counteracted by artificial embankments. This description of dyke, we are aware, will never be attempted for commercial purposes alone. To a combination of the future proprietors of the shores, for their own security and advantage, we are to look for the consummation of this desirable improvement, by its extension to the mouth of the Missouri. In the mean time, it is entirely practicable, at the lowest stage of the water, by the aid of suitable machinery, to raise the trees which now obstruct the channel, and to saw them off at a proper depth. The labor may be great, in the first instance, to remove the wreck of centuries; and it may be necessary, from time to time, to prostrate all similar impediments which may intervene. But when the forests shall be entirely cleared, whether for the purpose of cultivation, for supplies of fuel to steamboats, or for the immense, and still augmenting, consumption of New Orleans, these frightful and formidable enemies of Western enterprise will gradually disappear, until it will be as rare to see "a sawyer, a planter, or a raft," above Baton Rouge, as it is now to find one below it.

The committee have had access to no data which could enable them to determine, with accuracy, the probable expense of the improvements above suggested. Indeed, the very nature of the proposed undertaking forbids the application of any ordinary rule of calculation. Your committee would, however, suggest the expediency of dividing those rivers into precincts, and that the President of the United States be authorized to employ supervisors for each precinct, binding each by contract to perform the services which may be assigned to him; and that, for the purpose of carrying into effect the improvements beforementioned, the sum of —— dollars be appropriated, to be paid out of any money in the Treasury, not otherwise appropriated

Which is respectfully submitted.

THE TARIFF BILL.

The House having resolved itself into a Committee of the Whole on the bill for a revision of the tariff of duties on imports—

Mr. **FULLER**, of Massachusetts, opened the discussion to-day by a motion to strike out from the first section so much as imposes a duty of one dollar and twelve cents per cwt. on iron, in bars or bolts, not manufactured by rolling.

In support of this motion, Mr. **FULLER** observed that iron was an article of far more general importance than cotton bagging or wheat, which had recently occupied so much attention. Every man in the United States, of whatever occupation, was more or less interested in obtaining the best quality, and at the lowest price. In every village a blacksmith was an artisan indispensable alike to the farmer and the mechanic; and in the manufacturing establishments of cotton and wool, a large consumption of iron, in machinery, was annually necessary. To every farmer and mechanic, therefore, said Mr. F., this increased duty will cause a corresponding increase of price for their implements of husbandry, and of their respective mechanic arts. But of all the classes of the community who must feel the pressure of this new burden, the ship-builder must suffer most. The average tonnage of the United States, since the year 1810, is, probably, in round numbers, at least one million three hundred thousand tons; of which at least, one-tenth, by some estimates one-seventh, is the annual diminution by marine losses or decay; consequently, this amount must be annually replaced by the ship-builders. Four tons of iron in every hundred tons, one tenth, to take the smallest amount, of shipping necessary to replace the annual consumption, amounts to five thousand two hundred tons of iron annually employed in ship-building, upon which the proposed duty amounts to $116,500, which is more than the present duty by $38,833, a very great addition to a burden already as much as can be sustained. And here it may be proper to remark that, while the burden of the new duty is co-extensive with the United States, the benefit intended to result from it will be confined to only one or two, at most to three, of the States; far the greater part will be confined to the State of Pennsylvania alone. Most sincerely do I wish, said Mr. F., that the citizens of that respectable State could have all they expect, and more, if it could be accorded to them without this immense sacrifice by the citizens of the other States. It is true, there are iron manufactories in other States, but we have lately heard, from the honorable Speaker, that those in the Western States need no protection; and those in the Northern States are satisfied, as far as I am informed, with the present duty.

Permit me to say that it seems unreasonable to increase the duty from another consideration. In 1816, when the whole tariff underwent a complete revision, the duty on iron was fixed at nine dollars a ton. In 1818, the manufacturers complained that the duty was too low to enable them to contend in the market against foreign iron, and they prevailed upon Congress to increase it to fifteen dollars, with which, it was understood, they were then satisfied. Notwithstanding this great concession, they have, for four years past, been urging the imposition of a still higher duty, and seem hardly contented even with that now proposed. Should the duty now required be imposed, the numerous consumers of iron have not the consolation of hoping to realize any reduction of price, even after the iron manufacturers shall have been in possession of the "home market," so often spoken of in discussing the tariff, for any series of years. In this respect, the manufacture of iron is more unfavorable in its nature than that of cotton has proved to be. The greatest part of the expense is for labor; no improved machinery can be a substitute for labor; and, for a century to come, the population of our country cannot reach such a state of redundancy as materially to reduce the rate of wages. While, therefore, the price of labor is as high as at present, the price of iron, the product almost of labor alone, cannot be materially reduced. In Russia and Sweden, besides a redundant population, the manufacture of iron is greatly promoted by the circumstance that their soil is comparatively sterile, and incapable of cultivation. The peasantry of these nations, whom the gentleman from Kentucky calls serfs, have no alternative but to work in the iron mines or die of hunger. Not so in the fertile soil and genial climate of Pennsylvania. There the healthful and moderate labors of the husbandman are amply rewarded; and it does violence to the obvious dictates of policy, no less than of humanity, to transform a thousand or ten thousand cultivators of the soil into so many miners and smelters of iron ore.

It is alleged that a want of capital cramps the manufacturers of this country, and prevents them from resisting, successfully, the shock of competition with foreigners. The correctness of this may well be doubted with regard even to cotton and wool, but certainly is unfounded in relation to iron; for it is well known that some of the proprietors of iron manufactories in Pennsylvania are men of immense capital, and yet these proprietors, instead of making use of their capital in pouring an abundance of the article into the market, and thus excluding foreign iron, are among the most urgent in pressing the increased exaction. There is not even the pretext for extending the protection here, that iron receives any aid in the countries from which it is brought by bounties or drawbacks; it has there no other encouragement than the cheapness of labor: while the American manufacturer must pay a high price for labor, but has already the benefit of the high existing duty, and the expenses of freight for five thousand miles, together with commissions and the mercantile profits, all which about double the invoice price of foreign iron when it reaches our market. If this advantage is not sufficient, it affords conclusive evidence that other objects of industry in our country are preferable, and constitute, in fact, the real obstacle to the manufacture in question.

Should this duty be imposed, together with that upon foreign hemp, the two articles which constitute almost our only imports from Russia and Sweden, our commerce in the Baltic may be considered as nearly annihilated. I know very well, that some of those sages in political economy, who have so long sounded the alarm of the "balance of trade" being against us, and who are perpetually exclaiming, that we are on the verge of perdition in consequence of the appalling "drain of specie" from our country, will hail the destruction of the Baltic trade, as a harbinger of returning prosperity. Without stopping here to refute those weak and fallacious theories about the *balance of trade* and the *drain of specie*, I will merely remark, that our foreign trade is the only channel, in which all the specie now in this country, or which ever was in it, could have flowed thither. It will not be pretended, that gold and silver are native productions to any extent. As to the balance of trade with Russia and Sweden, our economists examine the Treasury report of our commerce, for the year 1822, made under the act of 1820, and they find our imports from Russia for that year, amounted in round numbers to $3,307,000, and our exports to that country, to only $508,000, leaving a balance against us of $1,799,000; our imports from Sweden the same year were $1,151,000, and our exports thither, only $260,000, leaving the balance of $891,000 against us. Hence, they conclude that these unfavorable balances, amounting to $2,690,000, must have been paid in specie, and caused a part of the fearful "drain" before mentioned. Fortunately, however, the same commercial report affords the means of dispelling this chimera. The export of specie is there detailed with the same exactness as that of any other article of commerce; and it appears, that not a single dollar was shipped to Russia and Sweden for that year. How they may account for this extraordinary state of things I know not, unless by supposing that the balance has been given to us without any consideration. Sir, the balance has been fully paid for; the poverty of the two countries in question does not even permit them to give any credit in commerce. It was paid for by sugar and coffee, and other produce of the West India islands, by pepper, and spices, and silks, and other commodities from China and the East Indies, which were the fruit of our circuitous trade. This trade furnishes immense cargoes, of which our custom-houses can take no cognizance. The original cargo indeed is shipped from this country, and an invoice of trifling amount registered with the collector. The vessel takes its departure for the Indies. In the distant market, the invoice is of small consideration, compared with the freight and other expenses; a cargo of great value is obtained in return, not suited so well for this country, where similar commodities are plentifully supplied, but well adapted to European consumption. At Hamburg, without having returned to America, an ample market furnishes exchange for St. Petersburg, or Stockholm, or the cargo itself is sold in these latter cities at a profitable advance; and thus a cargo of iron or hemp is provided and brought to our own ports. This, sir, is the course of our traffic with countries upon the Baltic. It brings us, in addition to the particular staples of those countries, a portion of the specie which we occasionally receive, and, indeed, which we never could obtain, but by the profitable employment of the industry and enterprise of our citizens, in transferring our domestic products, not only directly to foreign countries, but from one country to another, as often as an advantageous exchange can be made, till at last, the entire profit returns to enrich ourselves with the various productions of foreign climes. In these returns, specie will always bear such proportion, as its relative value with other commodities shall make profitable to the importer.

It may be said that the duty on iron and hemp, proposed by the bill before us, will not annihilate the trade of the Baltic, nor greatly reduce it. That it must very greatly reduce it, sir, I think cannot be doubted by those, who know the pressure of the existing duties. Under the influence of these, our foreign tonnage has experienced a constant diminution for the last three years, of which we have official reports. In 1820, it was 801,253 tons;

in 1821, 769,084; and in 1822, it was reduced to 747,887. This gradual diminution, can be traced to no other cause than the discouragement of our foreign commerce, under the pressure of a heavy tariff. Should this pressure not only continue, but be increased, the decay of trade must be proportionably rapid; our revenue must be greatly reduced, and the navy itself must be sacrificed.

These considerations are of deep concern to every section and to every interest in this rising country. I trust, sir, they will be fully examined, and, as an earnest of the sound and enlarged views of policy, which alone can insure our prosperity, I hope the motion which I had the honor to submit, will prevail.

Mr. BUCHANAN, of Pennsylvania, followed Mr. FULLER. He said, that the duty upon bar iron, according to the existing tariff, was fifteen dollars per ton. This bill proposes to increase it to $22 50—and the question for the Committee to decide, was the policy of this measure.

It has been contended, said Mr. B., by the gentleman from Massachusetts, (Mr. FULLER,) that bar iron might be considered as almost a raw material. If that gentleman intended to convey the idea, that the manufacture of this article requires but little capital, he is entirely mistaken. The man who expects to prosecute it with success, ought not only to possess a considerable active capital, but a large body of land covered with timber. Before the ore is manufactured into bar iron, it undergoes two distinct processes, at different factories. At the furnace it is converted into pig metal, which, in the forge, is manufactured into bar iron. These factories are generally distinct, and each of them requires a large capital. If, therefore, you suffer the manufactories of iron to be destroyed, and the capital invested in them to be diverted into other channels, it will be difficult to restore them, when the necessities of the country may demand such a measure.

The gentleman from Massachusetts (Mr. FULLER) has alleged that the manufacturers of iron, in Pennsylvania, are now in a prosperous condition. It is true, said Mr. B., that a few of the ironmasters, who had acquired sufficient wealth to survive the general wreck in which a large proportion of that class of our citizens has been involved, have been able to support themselves. This, however, has been the case only with respect to those who reside at some distance from the seacoast, and in a neighborhood in which there is a demand for all the iron they can manufacture. Foreign iron, before it can come into competition with theirs, must, in addition to the present duty, pay the expense of transportation into the country. Such individuals, by the ruin of rival manufacturers, and by the consequent destruction of domestic competition within their sphere, have become the monopolists of their neighboring markets. In this manner, the farmer is compelled to pay a much greater price for his iron, than he would be obliged to give, if the protecting power of the Government would recall into existence those rival manufactories, which have sunk under its neglect. What, Mr. Chairman, is the condition of those manufacturers residing in the interior, who have no market at home, but must depend upon that of the Atlantic cities? As it regards them, the picture is reversed. In addition to the first cost of their iron, they are compelled to incur the expense of transporting it to a market where it comes into competition with that from Russia and Sweden. Such ironmasters, under the present tariff, must inevitably be ruined, if they should continue in the business. They would lose upon every ton of iron which they manufacture. The consequence has been, that most of them, in this situation, have been compelled to stop.

Sir, said Mr. B., the traveller, if he had gone into the interior and mountainous districts of Pennsylvania, but a few years ago, would have found a great number of furnaces and forges in active operation. Their owners were not only prosperous themselves, but they spread prosperity around them. These manufactories presented the best and surest market to the neighboring country, for the products of agriculture. Thus, they diffused wealth among the people, money circulated freely, and the manufacturer and the farmer were equally benefited.

The present aspect of those districts presents a melancholy contrast to that which I have just described. It is a just comment upon the policy of that country which will not afford a reasonable protection to its own domestic industry, and thereby gives to foreigners a decided preference in its markets. Although that portion of Pennsylvania abounds with ore, with wood, and with water power, yet its manufactories generally have sunk into ruin, and exist only as standing monuments of the false policy of the Government. The manufacturers and their laborers have both been thrown out of employment, and the neighboring farmer is without a market.

Sir, said Mr. B., the records of your Government prove, conclusively, that foreign iron is rapidly driving domestic competition out of the market. In the year 1819, 16,241 tons of foreign hammered iron were imported. In the year 1822, it had increased to 26,508 tons. What it was during the last year, I have not been able to ascertain with precision, but I am informed, that it has been regularly progressing in the same proportion. Thus, we perceive, that, in the short space of three years, the increase has been more than ten thousand tons.

Can any statesman, said Mr. B., regard this process with indifference? Is it the policy of this nation to suffer the manufacture of iron to be destroyed? Can any gentleman for a moment sanction such an opinion? No nation can be perfectly independent, which depends upon foreign countries for its supply of iron. It is an article equally necessary in peace and in war. Without a plentiful supply of it, we cannot provide for the common defence. Can we so soon have forgotten the lesson which experience taught us, during the late war with Great Britain? Our foreign supply was then cut off, and we could not manufacture in sufficient quantities for the increased domestic demand. The price of the article became extravagant, and both the Government and the agriculturist were compelled to pay double the sum for which they might have purchased it, had its manufacture, before that period, been encouraged by proper protecting duties. We cannot now always expect to remain at peace; and the only means of securing to ourselves, in time of war, an abundant supply of this necessary article, at a cheap rate, is to encourage its manufacture, whilst we are on terms of friendship with all nations.

But after all, Mr. Chairman, what do we ask by this bill for the manufacturers of iron? Not a prohibitory duty, as the gentleman from Massachusetts (Mr. Fuller) seems to suppose, which will exclude foreign iron from our market. We wish only to infuse into our own manufactures sufficient vigor to enable them to struggle against foreign competition. Protection, not prohibition, is our object. The revenue which the country at present derives from foreign iron will, for several years at least, be increased by the proposed additional duty; and at the same time a most important branch of our domestic industry will be gradually cherished. For the proof of this assertion, I refer to the opinion advanced by the Secretary of the Treasury, in his annual report, during the last session, on the state of the finances. In it he distinctly declares "that the duties upon glass and paper, upon iron and lead, and upon all articles composed of the two latter materials, may be increased, "with a view to the augmentation of the revenue." His report during the present session shows that he still entertains the same opinion.

Mr. B. said, revenue was at this time an important consideration. In the imposition of new duties, we should not lose sight of the Treasury. Notwithstanding the siren notes which we have heard on this floor concerning the prosperous condition of our revenue, we know that we are in debt about ninety millions of dollars; a great part of which will become payable before our ordinary resources will enable us to extinguish it. Mr. B. said it was his opinion that, should this bill pass, with a very few amendments, it would for some years considerably increase the revenue of the country, and assist in enabling us to discharge our national debt. The proper occasion, however, has not yet arrived for such a general investigation.

As it regards the article of iron, we may fairly infer, from the history of its importation, that the proposed addition to the duty will increase the revenue. In determining this question, we should inquire whether the foreign importation is increasing under the existing tariff; and if so, whether slowly or rapidly. According to this advance, we may proportion the additional duty, always keeping within reasonable limits. We find that in three years the increase has been more than ten thousand tons. Under the operation of this bill, the revenue will be augmented until the quantity imported shall be less by one-third than it is at present. No person acquainted with the condition of the iron manufactories of the country can suppose that they will be able to produce this effect for many years to come under an additional duty of only $7 50 per ton. It will, however, afford them that gradual protection which is in accordance with the settled policy of this nation: a policy which, whilst it encourages domestic manufactures, never loses sight of the great interests of agriculture and commerce.

Mr. B. said there was no article from the importation of which a duty might be more fairly derived than iron. It would not in any degree be partial in its operation. Its use was universal, and all parts of the Union would, therefore, contribute their fair proportion. Mr. B. concluded by observing that there was no item in the bill which had fairer claims to be retained than the article of iron.

Mr. Mallary said, that no article named in the bill was of more importance than that of iron. It would be a fatal objection in his mind to any measure, which did not give it additional encouragement. It was important to every branch of our industry. It was essential to the safety and defence of the country. Mr. M. considered it impossible to discuss the question before the Committee, without referring to the general policy of giving more decisive aid to manufactures, than has been done by the Government. He hoped he should have the attention of the Committee, while he presented his views on the general subject, as well as on the particular object of the motion.

All who have spoken, admit that the proposed measure is of the greatest magnitude; that it required the most candid examination, as well as the exercise of the most deliberate judgment. It had been demanded by millions of the people of this Union, as the only means of relieving them from the distresses of the times, and it was opposed by others as sure to increase the embarrassments already existing.

The condition of agriculture and manufactures, particularly in the interior of the Northern, Middle, and Western States, had been repeatedly described. The great staples of agriculture have no market which affords a reward for the industry of the people. Instead of the prospect of improvement, the future seemed to promise nothing but additional misfortune. The change from war to peace was attended with the severest calamities. They were natural and unavoidable. It was expected, when the business of the country had returned to its natural channel, the people would again enjoy the blessings of prosperity. But the settled state of the country brings no relief. The vast interior of the Union presents a cheerless prospect of agriculture discouraged, manufactures ruined, and the energies of millions of people relaxed and prostrate.

Sir, other nations have risen triumphant over the havoc and desolation of wars. France was crushed by the combination of Europe against her. Her resources seemed to be exhausted by the exactions of her enemies. She has recovered from her misfortunes, and her people appear to have forgotten their long and dreadful sufferings. England has also astonished the world by an almost instantaneous release from the burdens created by her unparalleled efforts. Her condition was never more prosperous, she never made a more sure and steady march towards the summit of power and greatness, than at the present moment.

Sir, why do great and important sections of country afford no evidence of increasing wealth and prosperity? Why do the products of agriculture find such wretched markets? Why does the value of the soil itself daily diminish in value, in almost every interior part of the country? The labor of a nation is said to be the primary source of its wealth. Can Government give it a direction more beneficial? Will any further promotion of manufactures improve our condition?

It has, sir, been maintained by high authority, that "legislation does not create wealth, but simply transfers it from hand to hand, and can enrich one class only by impoverishing others." I refer to the Boston memorial on your table. We are also told by the same, "that it would be surely surprising, that a system of restriction so unequal and so repugnant to all sound theory, should be adopted by a free and enlightened people, at a time when the greatest statesmen of Europe, after a long trial of it, are openly acknowledging its incorrectness, and whole nations suffering and lamenting the consequences of its adoption." The same sentiments have been repeatedly advanced in this debate. We have been told that no enlightened Government ever directed the industry of its people to new employments. That it never gave aid but to manufacturing establishments already in existence.

How can we determine the correctness or incorrectness of the different opinions and statements relating to the subject before us? To theory? We are lost at once amidst the jargon of the schools of political economy. Is it not safer to trust ourselves to the practical experience of enlightened nations, than to their visionary writers, whose opinions were never regarded at home? Whose productions, as was emphatically observed by a distinguished advocate of the policy for which we are now contending, "were like the fabrics of their country, made for exportation, and not for home consumption." We apply to individuals those rules which are found by experience useful to govern the conduct of individuals. We determine their value by the effects they produce. The same may be said of those rules of policy by which nations are controlled. Labor, industry, and wealth, are the same in all countries; they must be acquired by the same general means. A policy, which one nation may adopt with success, may be beneficial to another. If history was ever valuable, it is in the investigation of the important subject now before this Committee. If its measures could ever be employed in aid of legislation, their value must be admitted on the present occasion. In my remarks I shall refer to those manufactures of the greatest importance in a national point of view. Those of inferior character will be found to flourish where the others have been promoted.

The States of Italy were the first which awakened from the slumber of the dark ages. While they distributed the rich products of the East throughout Europe, they engaged in manufactures themselves. They excelled in the fabrics of silk and wool. For several centuries they furnished the Northern nations with great supplies of these and other products of their own industry. They advanced rapidly to opulence and power. The Lombards, for a great length of time, controlled the currency of Europe. They were the bankers of the civilized world. Arts, sciences, and civilization, made unrivalled progress.

Netherlands contained the depot of Eastern and Italian merchandise, from which it found its way into all the surrounding countries. Netherlands, stimulated by example, soon engaged in manufactures, especially of wool and flax; her fabrics were also distributed among the neighboring nations. For several centuries she advanced before any other nation of the North in wealth, power, and civilization. Her people controlled the commerce and navigation of England, France, and the Baltic States, for a long period. These countries were tributary to her industry, skill, and enterprise. It was against Italy and Netherlands that the first restrictive measures of other nations were first directed. Their wealth and prosperity had at length aroused the attention of some of the principal Powers of Europe.

Until about 1600, France was almost entirely dependent upon those two nations for every valuable manufacture. She received from Italy large supplies of silks of various fabric, and woollens and linens to an immense amount from Netherlands. She was continually drained of the precious metals. Her commerce and agriculture made slow improvement. The contrast between France and her nearest neighbors at this period affords a most instructive lesson. It illustrates the effect of the grand political dogma, that the interest of a country will regulate itself to the best advantage. Sir, it was reserved to Henry IV. to discover the real poverty and weakness of his country. He saw that it was a mere dependant upon the industry and enterprise of others, and he was determined to change the long established policy of his less intelligent predecessors. He encouraged the production of raw silk, which, like the cotton of the Southern States, soon afforded the most abundant supply. He procured manufacturers from Milan, established them in France, and gave them protection and the most liberal rewards. The result afforded demonstration of the wisdom of his measures. In a few years his people supplied themselves with those fabrics of silk which had been procured from abroad at the most ruinous expense. She was immediately the successful rival of the Italians in foreign markets. Henry also extended his protecting hand to the manufacture of linens with equal success. A rapid and beneficial change in the condition of France was every where perceived. Her agriculture was improved, her commerce was extended, and the great mass of the people enjoyed a state of prosperity to which they had ever been strangers. If history is entitled to the least credit; if its page is not darkened with falsehoods, France gained more solid benefits during twenty years of Henry's reign than she had for ages before. He has ever been hailed as the Father of his nation; as the most enlightened statesman France ever produced; as an example of wisdom which has never been excelled by any crowned head of Europe.

I shall now, sir, refer to another period of the history of France. It is full of instruction on this point. I mean the age of Louis XIV. France still continued to receive woollens, and many other fabrics, from abroad. The benefits she had received, from the policy of Henry, pointed out a luminous path to national prosperity. The culture of silk had succeeded. Its manufacture, in all its branches, had surmounted every difficulty. The productions of linen and many others gave a triumph to that wisdom which brought them into existence. Louis, aided by the sagacity and intelligence of Colbert, of men whose counsels were the admiration, as well as the dread of Europe, was determined to pursue with zeal a policy from which his nation had already gained such decisive advantages. France had no manufacture of woollens to any amount. The manufacture of broad cloths was of the first importance. Louis did not wait for his people to begin an unaided experiment. He did not wait until he saw them struggling with a competition which they could not withstand. His policy extended to every thing valuable to his people, for their own use and consumption, or foreign commerce. He did not believe that regulations could only transfer wealth from hand to hand, enriching one class only by impoverishing others. He may be said to have created the manufacture of broad cloths. He gave liberal bounties to artists. He laid heavy duties on rival fabrics, and, finally, entire prohibition. On an occasion of national sorrow and mourning, the fashion of the day required the use of certain articles produced by England alone. He issued his mandate against the laws of fashion, and required that French fabrics should be used in preference to all others. In a short period the French manufactures excluded those of England and Netherlands from the valuable markets of the Levant.

The Dutch had the coasting trade of France in their hands. By a moderate bounty on French vessels these foreigners were compelled to retire, and the navigation of the country was instantly sufficient.

Cotton goods were introduced from India. Their use had become extensive. As soon as the raw material was procured, the foreign fabric was at once prohibited. The manufacture instantly sprang into existence. A supply was readily created for domestic use, and for exportation. We have seen the same effect produced in the United States, from the protection afforded to coarser cottons.

France was, at this time, advancing before every nation of Europe. Her agriculture was flourishing. Her commerce was extended. Her manufactures were unrivalled. The interior of the country was every day rising into importance. Cities, towns, and villages, were every where improving. The arts and sciences progressed with unparalleled rapidity, and gave their splendid embellishments to the character of the nation.

It is true, sir, that the mad ambition and wild fanaticsm of Louis, plunged his nation into the greatest difficulties. His bloody and extravagant wars would have ruined any other nation. The shameful revocation of the edict of Nantes, it is said, drove eight hundred thousand of his best subjects into foreign countries. Notwithstanding, France adhered to her policy. She soon regained that prosperity which had been interrupted by temporary weakness and folly.

Permit me, sir, to call the attention of the Committee to some further illustrations of the effects of that policy, of which I am an humble advocate. English fabrics, as well as the agricultural productions of England, were excluded from France. Yet England remained under the dominion of French fashions. She continued to take from France a great amount of merchandise. The effects were allowed to be the most disastrous. Her writers inform us that the distress and embarrassments of the people of England were great and universal. They were felt by all classes employed either in agriculture, commerce, or manufactures. Coin disappeared, and there was a general stagnation of every kind of business. We are told that a balance of two millions sterling was ascertained to exist against her in favor of France. The English Government felt the wretched consequences of this trade. It was prohibited for three years. This prohibition was attended with the most salutary benefits. England instantly felt the revival of all the various branches of industry. The three years' prohibition expired. England was suddenly inundated with French manufactures. We are again informed that, in a period of three years, the balance against England was about five millions sterling. We are told by the witnesses of these events, that the trade with France, if suffered to continue, would have completely beggared England. England again prohibited that trade, and again that policy was triumphant. France continued to pursue the course pointed out by Henry and Louis. In 1781, Mr. Neckar says, her exports were three hundred millions of livres; her imports two hundred and twenty millions, which gave her a balance of eighty millions. He estimated the coin in circulation at eighty-seven millions of pounds sterling.

I will now make a brief reference to the policy of England. No very decisive and permanent protection had been given to her manufactures, until the time of Elizabeth. That distinguished princess, celebrated as one of the ablest rulers that ever sat upon a British throne, had the sagacity to see, and the firmness to maintain, the solid interests of her people. She was not blind to the causes of the wealth and power of Netherlands. The example was not suffered to escape her notice. The artisans of that country were decidedly superior to her own. The English had, for a great length of time, sent their woollen cloths abroad to be finished. This was prohibited, and soon the English could equal, if not surpass their neighbors, to whom they had been inferior. Elizabeth prohibited, from time to time, all such fabrics as her own people could produce. The result was invariable. British workmen never failed to furnish a supply. That nation never made such advances to opulence and power as during her reign. The agriculture, the commerce, and manufactures of England, all were indebted for their prosperity to her guardian care. Elizabeth is placed by historians, orators, and poets, at the head of British sovereigns. Her reputation for talents and wisdom are the constant pride of Englishmen. Sir, by what means did she ascend to that elevated rank? Because she gave wealth and power to her nation. And how was this accomplished? It was by making England dependent on England alone, as far as nature would allow. It was by throwing off a servile dependence on Italy, Netherlands, and France, for those supplies, which her own people could produce within themselves.

The coasting trade of England, like that of France, was carried on, almost wholly, by Dutch vessels, for several centuries. We are told that five or six hundred Dutch ships were engaged in the trade between Netherlands and England, and not more than fifty English. The English Government well knew that its navigation would always remain contemptible, unless it was aided. The Dutch, having numberless vessels and ample capital, competition could not be sustained against them. Protection was afforded, and the English instantly rivaled their enterprising neighbors. The United States imitated that example, and our navigation has been equally successful.

After Elizabeth, French politics and French fashions gained ground in England. A relaxation of the policy, so triumphantly pursued by that Princess, was allowed to take place. The ruinous effects to England have been already mentioned, and also the measures adopted to save that nation from the fatal consequences of an open and unrestrained trade with France.

Sir, England gave protection to the manufacture of silk. This, of itself, would seem to give conclusive evidence of the benefits produced by attention to manufactures. Of all countries, England must have been the most unfavorable to this branch of industry. Some have doubted whether the efforts of Government to maintain and protect it, under the greatest discouragements, were compatible with its best interests. But Government persevered. The English advanced in skill with a steady pace, and were successful. They could meet the Italians with superior fabrics and undersell them in their own markets. This manufacture is now in the most flourishing condition. It gives employment to multitudes of people, and is a source of wealth to the nation. It has amply repaid the price of the fostering care and unshaken protection it has received. In 1822, England imported raw silk to the value of nine hundred and thirty thousand pounds sterling. For 1823, the importation is estimated at more than a million. The value of silk manufactures is supposed to be above fifty millions of dollars for a single year, a sum nearly equal to all the exports of agricultural products from the United States for the same period of time.

Sir, the attention of the Committee is asked to a further development of the policy of England towards other nations. It is most clearly exhibited in her conduct relating to this country, when her colonies. That conduct is so frankly and honestly expressed in the treatise of Mr. Gee on English trade and manufactures, that his language shall be used. He was a distinguished merchant, and seems fully to understand the subject. As evidence of the weight of his opinions, his Government adopted several of the measures which he recommended. The work to which I have alluded was written about 1730. Speaking of the American colonies, he observes—"Now, as people have been filled with fears, that the colonies, if encouraged to raise the rough materials, would set up for themselves, a little regulation would remove all those jealousies out of the way; for then our merchants and manufacturers would find it their interest to promote and assist them in raising those materials which might prove so much to their and our material benefit." Again he says, "its encouragement is given for raising hemp, flax, &c., doubtless they will soon begin to manufacture, if not prevented; therefore, to stop the progress of any such manufacture, it is proposed that no weaver there shall have liberty to set up any looms, without first registering, at an office kept for that purpose, his name and place of abode," &c. Speaking of the manufacture of nails, he says: "It is proposed they shall, for the time to come, never erect the manufacturing of any, under the size of a two shilling nail, horse-shoe nails excepted; that all slitting mills and engines for drawing wire or weaving stockings be put down." Again: "That all negroes shall be prohibited from weaving either linen or wool, &c. This limitation will not abridge the planters of any privilege they now enjoy; on the contrary, it will turn their industry to promoting and raising those rough materials." Again he says—"New England and the Northern colonies have not commodities and products enough to send us in return for purchasing their necessary clothing, &c., but are under very great difficulties, and therefore any ordinary sort sells well with them, and when they are grown out of fashion with us, they are new-fashioned enough there, and therefore those places are the great markets we have to dispose of such goods." This, sir, is plain, honest dealing.

As the writer recommended, the colonial governors were directed to perform the duty of spies, and report to the Government the progress of the colonists in manufactures. It was ascertained that they exported hats to the Spanish main. This was at once prohibited. The manufacture itself, for domestic use, was embarrassed with the most despotic regulations. Every species of manufacture was discouraged by the art or force of the mother country. This was English policy in 1732; it is the same to-day. It will continue to be the same while England exists. No efforts will be wanting to preserve what she has so long struggled to acquire. It is true, sir, she cannot control us by her power, yet she seems able to accomplish her object by other means. When the domestic manufacture makes its appearance in our markets, unless it be some one which has adequate protection, they are instantly inundated from abroad, with a similar kind. Goods of inferior quality, out of fashion in other countries, are good enough for us. Auction sales augment the evil. The domestic manufacturer, who has had the enterprise to begin, has the misfortune of being sacrificed by foreign competition. When the prosperity of England is so dependent upon her manufactures, who can be so blind, sir, as to suppose she can be regardless of the policy of other nations? Whether we shall continue to submit from necessity or interest to a system, which, as colonies, we were compelled to endure, is now to be decided.

Sir, let me ask the indulgence of the Committee while a brief notice is taken of the policy of Germany and Russia. From the formation of the Hanseatic league, about 1240, to the beginning of the eighteenth century, Russia was wholly dependent on those nations which had engaged in manufactures. Germany was nearly in the same condition. They exchanged their raw materials, naval stores, and other rude productions, for the valuable fabrics of Italy, Netherlands, and, for a time, of England. Peter the Great, of Russia, was sensible that his people had made no progress in the arts of civilized life. His country was poor, dependent, and barbarous. He was determined to learn the cause why others were improving in wealth and power, while his was stationary. He descended from the throne of the Czars, and travelled through those countries most distinguished for their prosperity. He observed, with the eye of an intelligent ruler and profound statesman, the causes of that prosperity. He returned to his dominions and laid the deep foundations of their greatness. He introduced manufactures. He turned the attention of his people to new employments. He promoted the internal commerce of his country. He encouraged the arts of civilized life. He endeavored to make Russia dependent on Russia alone. He lived to see the success of his exertions, and his country introduced into the family of civilized nations.

His system of policy has been pursued, with little deviation, until the late pacification of Europe. The restrictions upon commerce had become odious. They were associated with the memory of their grand enemy, Napoleon. The allied monarchs agreed to open the door which had been shut against free commerce. This gave a momentary triumph to the doctrines of modern political economists. It was a still greater one to those nations which wanted a market for their manufactures. The Emperor of Russia adopted the tariff of 1820 to fulfil his engagements. He allowed Russia to become a market for the merchandise of his neighbors. The effects he describes in his manifesto of March, 1823, to which I will refer. He says, "the necessity of giving to commercial ‘ relations a more free scope had been felt at Vienna in 1815, &c. It was, therefore, from a circulation exempt from restraint, and the facility ‘ afforded by reciprocal exchanges, that almost all ‘ Governments, at first, resolved to seek the means ‘ of repairing the evil which Europe had been ‘ doomed to suffer. But experience, and more correct calculations, because they were made from ‘ certain data, &c., forced them soon to adhere to ‘ the prohibiting sytem. England preserved hers. ‘ Austria remained faithful to the rule she had ‘ laid down to guard herself against the rivalry of ‘ foreign industry. France, with the same views, ‘ adopted the most rigorous measures of precaution. And Prussia published a new tariff in ‘ October last, which proves that she found it impossible not to follow the example of the rest of Europe." He further tells us what evils Russia experienced. "Agriculture without a market, industry without protection, languish and decline. ‘ Specie is exported, and the most solid commercial houses are shaken. The public prosperity ‘ would soon feel the wound inflicted on private ‘ fortunes, if new regulations did not promptly ‘ change the actual state of affairs." The tariff of 1823 was adopted, by which ample and decisive protection is given to the agriculture and manufactures of his dominions. Such is the lesson taught by experience, the ablest of all instructors. It is a complete refutation of the assertion confidently made, and widely circulated, that the greatest statesmen of Europe, after a long trial, are openly acknowledging the incorrectness of restrictive systems.

The policy of Germany has been described by that of Russia. It is distinguished by the same causes, and has produced the same effects.

Permit me, sir, to inquire, what would have been the condition of France, had she continued dependent on Italy for silks, and on the Netherlands for woollens and linens? Suppose England had never checked her trade with France, and left the industry of her people to regulate itself, would she have been the gainer? Suppose Russia and Germany had remained dependent on Italy, France and Holland, what would have been their condition at the present day?

But, sir, we are told that the United States are agricultural, and that the friends of the bill are aiming a fatal shaft at that great and primary interest. To meet this accusation, so often made, and so vehemently urged, I shall refer again to the experience of other nations. When was the agriculture of Italy the most flourishing? It was when her manufactures were the most prosperous. When was the agriculture of Netherlands in the best condition? It was when her manufactures approached the nearest to perfection. Compare the agriculture of these countries, in the thirteenth and fourteenth centuries, with that of England, France, and Germany. Compare the agriculture of France, under Louis XIV, with its state before Henry IV. Compare the condition of agriculture, in England, at the death of Elizabeth, with its appearances previous to her reign. Also, compare the agriculture of England and France with that of Spain, for a century past. The conclusion is irresistible, that agriculture never made but little progress when manufactures were neglected. The evidence is beyond contradiction, that agriculture was always prosperous when manufactures were decidedly protected. With them are ever associated industry, wealth, and power, the arts, sciences, and civilization.

With manufactures, is connected another subject of incalculable importance—that of internal commerce. Independent of its security when the world is agitated by wars and revolutions, it contributes, more than foreign trade, to the improvement of a nation. Foreign merchandise first arrives at some commercial mart, on the seaboard. It is sent directly through the great channels of communication to the interior. Domestic commerce is not only carried on through the same channels, but in every lateral direction. It is this kind of commerce which brings every portion of an extended country together. It gives uniformity to feelings, habits, and manners. It promotes harmony among the people, for it blends together all their different interests, and gives solidity to their national character. This commerce will be increased in proportion to domestic supplies. The iron, the salt, the cotton, the hemp, and all the various productions of the country, will be distributed and exchanged. This is also illustrated by the increasing intercourse between the North and South, since manufactures have been established. The distant part of the country from which I come, the town in which I reside, have already exchanged productions with South Carolina and Georgia.

In a political point of view, domestic commerce is also important. It will be exclusively conducted by Americans. Foreign commerce is generally accompanied by a host of strangers, who seldom fail to bring, with their merchandise, a decided hostility to our institutions.

I shall proceed, sir, to answer some of the objections which are made against the proposed measure. We are told that it will discourage foreign commerce; our navigation will be injured; our seamen will be driven from their element, and that great arm of our national defence, the Navy, will be annihilated. Sir, on what does our Navy depend? As was well said by the honorable gentleman from New York, (Mr. MARTINDALE,) give the nation the means, and a Navy can be created. On what does it depend for its seamen? Partly on the fisheries. These will not be injured by the proposed policy. They will be promoted, by enabling the people of the interior to furnish supplies, such as hemp from the West, and iron from the North, in exchange for the products of the fisheries. Now they can purchase silks from Canton as easily as fish from Newfoundland. The market abroad will not be injured. The coasting trade also furnishes its share of seamen. The more extensive this trade, the greater would be the number of seamen it could furnish. Nothing would give greater activity to this branch of employment than the encouragement of manufactures, which would be distributed through every part of the Union, along the seaboard. But it is said that the decrease of foreign commerce would diminish their numbers. We might send fewer ships to Russia and Sweden—perhaps to France and England. This is not to be dreaded. The interior trade will be doubly augmented. Our rivers and lakes afford unequalled facilities for internal trade and navigation. They will not remain long unimproved, if the Government will but lend its aid to the industry and enterprise of the people. It is but a few years since England improved her inland navigation. Her advantages must sink into insignificance compared with what nature has bestowed on the United States. Yet we are informed, by her ablest writers, that the *interior* commerce and navigation of England already rival the *exterior* in the production of *seamen for the royal navy, and merchant vessels.* Sir, if such are the effects of inland navigation in that country, what may not be expected in this? By pursuing a policy which would give life and activity to our interior commerce, we should soon see our rivers, and canals, and inland seas alive with our navigation. Our seamen would find full employment. In time of war we should not be required to send our seamen from the seaboard to maintain the honor of our flag on the lakes. They would there be found ready to defend our frontiers and their own homes.

Again, sir, we are told that the mercantile interest will be ruined by giving the proposed aid to manufactures. The employment of the merchant is in the exchange and distribution of the products of labor throughout the community. It is strange, indeed, that he should be injured by increasing the wealth and prosperity of the nation; that his interests flourish only in the poverty, misery, and embarrassments of the people. There must be a supply for the wants of a country. It is no more a change of employment or of capital to purchase iron from the forges of Vermont or Pennsylvania, than there is in opening a new trade with other nations, or re-shipping merchandise to other markets, which our own do not require. In time of war, or hostile policy of other countries, no business is more hazardous than foreign trade—none safer than the domestic.

We are charged with pursuing a policy which will be ruinous to the noble art of ship building. There is no ground, sir, for this accusation. Ship building has ever been favored and protected by the people. The agricultural part of the nation has always been firm and faithful to its interest. I cannot concur with the honorable member from New York (Mr. CAMBRELENG) when he stated, the other day, that the only encouragement given to American navigation, was a higher duty imposed on merchandise imported in foreign vessels, than on merchandise imported in our own. It seems to me, sir, that he has entirely mistaken the character of our navigation laws. Was the discriminating duty on foreign tonnage nothing? Was the duty of fifty cents per ton on foreign vessels, payable at every entry, while but six cents per ton was required but once a year on our own, nothing? [Mr. CAMBRELENG requested to make a remark. He still considered the discriminating duty laid on merchandise imported in foreign vessels, to be the only substantial protection given to our shipping. The duty upon foreign vessels engaged in our coasting trade, he considered so *insignificant* as not to be worthy of observation.]

Mr. M. said he was very sorry if he had called the attention of the Committee to an insignificant subject. Having bestowed some attention to the history of our navigation laws, he would present a few observations, and leave the Committee to judge between the honorable gentleman and himself. In 1793, the shipping of the United States was not sufficient for our trade. By some it was estimated that we had not one-fourth of the tonnage required. I now call the attention of the Committee to the act of 1789. It provides that, on ships and vessels entered in the United States, if wholly owned by American citizens, a duty shall be paid of six cents per ton. On ships and vessels, wholly owned by foreigners, fifty cents per ton. On American vessels engaged in the coasting trade, six cents per ton, payable once a year. On foreign vessels, carrying American produce from one of our ports to another, fifty cents a ton, payable at each entry. By the act of 1790, foreign vessels engaged in our coasting trade, were subject to a duty of fifty cents a ton on each entry whether they transported foreign or domestic goods and merchandise. Here, sir, is that insignificant protection to our navigation which was so far beneath the notice of the gentleman from New York. The first Congress was composed of the ablest statesmen of the Union. If the honorable gentleman will take the trouble to examine the proceedings of that body, he will find that the law referred to was adopted for the express purpose of creating and protecting American navigation, most especially that part employed in the coasting trade. It was considered an all important measure by which that great object could be accomplished. While supported by such facts, and by the authority of such men, I have but little to fear from a decision of this Committee. I shall leave to the honorable gentleman from New York the distinguished satisfaction of being the first to discover the insignificance of that policy which Mr. Madison and his associates, the most enlightened statesmen of the age, considered of the most vital importance to the country. Sir, let me repeat that our navigation has always been cherished by every American. It is the favorite of the nation. It will not be surrendered. If the present measure should be adopted, and prove injurious in its operation, an instant remedy will be applied. It will be protected. The power of the nation will come to its aid on the least appearance of danger.

Those opposed to the bill, Mr. Chairman, express the most fearful apprehensions that foreign nations would exclude our productions from their markets, if we should diminish the importation of theirs. What more can they do? What does the agriculture of the Middle and Northern States now furnish, and where is it sent? Permit me to refer to the official statements of our commercial affairs. Let us have a practical commentary on that noble system of unrestricted trade, which it is said we are about to annihilate. Let us see how generous and liberal those nations are which may be affected by the measure under consideration. In 1822, we exported beef, tallow, hides, and horned cattle to the value of - $840,000

We sent across the Atlantic, of this amount - - - - - - - -	142,000
Butter and cheese were exported to the value of - - - - - - - -	220,000
Sent across the Atlantic - - - -	6,000
Pork, hams, bacon, and lard, exported	1,357,000
Sent across the Atlantic - - -	40,000
Flour exported - - - - - -	5,100,000
Sent across the Atlantic - - -	473,000

Of this, we sent $127,000 to Madeira, and $145,000 to Gibraltar, probably for the use of Spain.

Tallow candles and soap - - - -	$788,000
Sent across the Atlantic, less than -	20,000

Even the fisheries, for whose prosperity so much solicitude is constantly expressed, cannot boast of a very distinguished transatlantic favor. For the year 1822, the value of dried and smoked fish exported was $666,000. Of this, Europe received less than 37,000. Yet the farmers of three-fourths of the Union are told, by those engaged in foreign commerce, to be careful—to be prudent, or they will meet with a dreadful retaliation! This is a proud state of independence. When foreign nations have done their utmost, we must still prostrate ourselves before them, and beg no further exercise of their power. Each European nation consults its own interests, regardless of other consequences. The United States are fearful of pursuing their interests, lest they should incur the displeasure of others.

The West Indies and South America afford the only markets for the productions which have been mentioned. Out of this trade, we must supply ourselves with the commodities which they afford, and the remainder is converted into funds to meet the balance against us in other countries; to give employment to foreigners; to give activity to industry abroad, while ours is neglected. English West Indies now stand on the brink of ruin. Spain dare not interfere with the trade of Cuba. South America controls her own markets.

Another very serious objection is raised, to which I will call the attention of the Committee. We are told that England will exclude the cotton of the Southern States. I admit gentlemen from that section of country well understand and ably maintain its interests. With the greatest deference and respect to their opinions, allow me, sir, to offer some observations for the consideration of the Committee. What has ever been the policy of England, in relation to raw materials, which she could not produce, and which her principal manufactures required? On these she never imposed any discouraging burdens, unless to aid her own agriculture. She never excluded the raw silk of Italy, let the balance of trade be ever so great against her; she never excluded the iron and hemp of Russia, whatever might be the condition of trade with that country. Her manufactures demanded these materials, and they were always received. Allow me, sir, to state the condition of the cotton manufactures of England. I assert, upon the authority of the most authentic exposé of English affairs for 1823, that the manufacture of cotton alone is equal in value to all the other manufactures of that kingdom.

She exported, in cotton goods, in 1820, the value of £16,000,000 sterling; in 1821, to the amount of £20,500,000; in 1822, to the amount of £21,600,000; in 1823, at the time of the publication of that exposé, the manufacture was still rapidly advancing. To this amount must be added the quantity required for home consumption. It is supposed that the whole value will exceed $160,000,000. We do not receive a twentieth of what is manufactured in that country. The entire loss of this part of our trade would be scarcely felt by England; yet, it is confidently said, she would reject our cotton. She would encourage its growth in the West Indies, in Egypt, and Brazil.

I present to the Committee a brief statement of cotton imported into England for several periods, and the countries from which it was received:

	Bales of American.	*Brazil.*	*All other.*
In 1802	107,000	74,000	99,000
1803	106,000	76,000	56,000
1814	48,000	150,000	88,000
1815	103,000	91,000	75,000
1816	166,000	123,000	80,000
1821	283,000	–	–
1822	375,000	–	–
1823	448,000	119,000	67,000

I have not been able to procure a statement of the quantity of Brazils and other cottons for 1821 and 1822. The greatest quantity of Brazils was in 1814, when ours was excluded in part by the war. Since that time the cotton of that country has declined. In all others, except American, there has been but little alteration. Ours has rapidly augmented. We receive not more than one twentieth of the cotton fabrics produced in England, while she receives from us nearly two-thirds of the raw material. The culture of cotton is not increasing to any dangerous extent in Brazil or Egypt, or in the English colonies. Is England so regardless of her interests as to close her ports against us and depend upon other countries, which it is certain cannot afford a supply? The very idea would shake the British empire to its centre. It is true, sir, that England will receive this great staple only while her interests will be promoted. The comparatively trifling amount of cotton goods we receive is a matter of secondary importance to her. But, whether we take her manufactures or not, whenever she can procure cotton on better terms from any other country, ours will be at once rejected. Her friendship or compassion is but little concerned in her policy or interest.

If, sir, there is any danger that England may exclude it, is the domestic market to be disregarded? If it must share the fate of the beef, pork, and flour, of other countries, ought we not to be prepared for the event? About two-thirds as much is annually consumed in the United States as was exported in each of the years 1815, 1816, and 1817. We have advanced faster in the manufacture of this article than the Southern States did in the production. It seems to me that this is deserving of consideration.

Here, sir, permit me to observe, that the honorable gentleman from New York (Mr. CAMBRELENG) was mistaken, when he spoke of the discouragement of the cotton manufacture in England; that we had given it a greater protection already. India first furnished Europe with cotton fabrics. When the raw material could be procured, the manufacture was introduced into England. In 1699, the white cotton goods of India were prohibited entirely. In 1721, the printed cottons were also excluded. I misunderstand the effect of prohibition, if we have given equal protection. France did the same as early as 1687. It is long since that England and France have surpassed the Eastern fabric. This country has made more rapid progress in this kind of manufacture than either, as far as it has received protection. In turn, we may become the successful competitors of those nations in the markets which they command by their present industry and skill.

The inquiry is often made, why do manufactures produce these great results in a country which gives them encouragement? They give an enlarged field for the exercise of the moral and physical energies of a people. They furnish employment adapted to their various inclinations, tastes, and talents. They are associated with all the useful arts and sciences. They afford, also, the immense advantages of machinery. We have been told that the machinery employed in Great Britain performs the labor of two hundred millions of people. On the other hand agriculture is chiefly conducted by manual industry. The labor of a thousand of our citizens on their farms would perhaps be of much less value than the product of a single machine in France or England.

Sir, manufactures give a steady and solid value to the landed property of a country. While we are dependent upon foreign markets, foreign nations may affect, if not determine, the value of every acre of land in the Union. A domestic market will always be safe and permanent. The price of our lands, except in the immediate vicinity of populous towns or navigable waters, is literally reduced to nothing. The ordinary produce of agriculture is heavy and bulky, in proportion to its value. Its cost of transportation to market, leaves no balance to the producer. By establishing manufactories of hemp, iron, wool, and cotton, in all their various branches, you give a demand for additional productions. The labor of the nation is divided. Climate and soil are consulted. Employment has a greater selection of objects. The raw materials are changed, by art and labor, into forms required for use. A supply would be furnished for the surrounding country, and the rest would be sent, with trifling expense, to some common market, and exchanged for the productions of other sections of country. Iron would be given for salt, cloths for cotton, hemp for fish, all that was surplus in one part, for what was to spare in another. Manufactures would, therefore, equalize the value of property throughout the country, and be advantageous to every portion of it.

Sir, the interior of the country has long suffered from a deficient circulating medium. Property is not represented by a steady currency. Our good citizens desire the ordinary comforts of civilized life. They resort to credit to procure them, and depend upon the fruits of their industry for payment. A constantly declining market brings continued disappointment. What little money may have found its way into the country, is instantly taken out of circulation, and returned to the commercial cities. By increasing manufactures, we shall purchase less from abroad, and augment the means of payment at home.

To give us a little consolation, we are informed that the smaller the amount of money in circulation, the more it will buy. This might be true, if it regulated the price of every article required for consumption. It is true, as to beef and flour, in Vermont and Kentucky, but it is not so, as to foreign articles. The price of sugars, teas, and coffee, would experience but little change, whatever might be the amount of money in circulation in Ohio or Tennessee.

Sir, it is often asserted as a maxim of political economy, that we should buy where we can buy the cheapest. This, I admit, is very captivating doctrine. But I will venture to assert another rule, much safer, and equally intelligible: it is, that we should buy where we can pay the easiest. I believe, upon a moment's reflection, all will admit that the best purchase of an article which is wanted, is when the payment is the most conveniently and easily made. Manufactories distributed through the country, would afford this advantage in a great degree. As has been repeatedly observed, there would be a new market for the raw materials. The farmer would be more frequently enabled to make ready payment in the produce of his land. He would avoid credit, and be free from the dangers of being compelled to change his property into money. If there is a greater nominal value in the article purchased, so there generally will be in the article sold. The great advantage is being able readily to exchange what you have for what you want. This may not be compatible with the rigid rules of cash dealings, but is applicable to the course of business among the great mass of the people.

But, sir, we are repeatedly asked, do you expect to make the people rich by legislation? Do they not understand their own business and interests? Are they not competent to decide what employment is the most profitable? Under an existing state of things, they undoubtedly are. It is also true, that they will adapt their labor and industry to the policy which their Government may pursue. But, it cannot be denied, that the employment of the people of one nation has more or less relation to, and dependence on, the employment of the people of another. It is only by the agency of one Government that the policy of another can be resisted. The people, in their individual capacity, cannot produce the effect. I fully admit, sir, that the people of the United States well understand their own interests; and they as well understand the duty of their Government also. They knew the benefits which the protection of our navigation would produce. It was the Government alone which could give that protection. They knew that encouragement should be given to the fisheries, and it was given. They demanded that protection should be given to coarse cottons. It was given; and the result proves that they understood their interests. The merchants know, that duties upon sales at auction are necessary, to protect their employment. I hope, sir, that their application to Government will not be in vain. I hope, also, that the people of the interior may be allowed to have some knowledge of what might prove advantageous to them. They do know; and millions have asked and implored, in language which would move the heart of Nero, for the aid of their Government. They do know, that their interests would be promoted by a decisive protection of their industry.

Sir, another objection to the present measure is presented. The memorial of the citizens of Boston tells us, "the burden occasioned by most of the 'particular duties recommended, would fall on all 'the community, but chiefly on those least able to 'bear it. In this country, the poor man, person'ally, consumes nearly as much tea, coffee, and 'sugar, as the rich; and, though his clothing is 'not so fine, yet its cost constitutes a much greater 'proportion of his whole expenses. Besides, this 'new tariff is so nicely adjusted as to lay a far 'heavier impost on coarse cottons and linens, than 'on those of a finer texture." I am not disposed to call in question the philanthropy of the people of that city. It certainly is gratifying to learn that so large a share of the comforts of life fall to the poorer classes in that section of our country. It would afford as much satisfaction to see those of the interior in the enjoyment of equal blessings. But, sir, how should manufactures be first introduced in a country like ours? Is it by giving the first encouragement to the finest and most perfect fabrics, because they are consumed by the rich? Are we to expect the highest skill at once? It is impossible. It is strange that any friend to manufactures should recommend such a course. The first efforts of manufacturing skill have been properly directed to coarse and common fabrics. It would be the extreme of folly for our Government to introduce the manufacture of fine broadcloths and cambrics, before the country could produce the plainest cottons and woollens. Have the poor no equivalent, even should there be a momentary advance of price on the articles which they consumed. They certainly have that equivalent in the increased demand for the labor of themselves and families. They will be enabled more generally to procure the necessaries and conveniences of life. Our experience already gives demonstration of the correctness of this assertion.

Again, the memorial to which I have alluded observes that, "if they are manufactures of mate'rials raised by us, and we might, by prohibiting 'their importation, make them ourselves at a high'er price than they actually cost us, is it not equal-

‘ly true that, if the hostility of the nation which supplies us, or any other cause, should prevent their importation hereafter, we may make them at the same additional expense, then? And why should we assume a burden now, because it may fall on us hereafter?" Can manufactures, sir, be introduced in a moment? Are they to have no protection but the hostility of other nations, and that protection to end when that hostility ceases? Deplorable, indeed, must be the condition of a country governed by such policy. Who will venture their capital? What would be the value of skill? It seems to me that such opinions contain their own refutation.

While one object of the bill is to enlarge the amount of manufactures, another, equally important, is to protect those which already exist. A great proportion of our people engaged, have small capital. Yet, to many, the present encouragement, with a steady market, would be sufficient. They want the advantage of regular and frequent sales. The foreign manufacturer is aware of this. His capital is immense. He is able to fill our market when he pleases, although at a present sacrifice. The domestic manufacturer is interrupted in his business, and perhaps ruined, when regular and reasonable prices would have given a safe and satisfactory profit. It is not a fair course of dealing that is embarrassing, but a kind of speculation which can be sustained by the foreign manufacturer, but which the domestic is unable to meet. When the last is driven away, the other is able to make good any temporary sacrifice. There may be some manufactures which will advance in price for the moment, but competition will soon reduce them to a proper level. Experience has ever proved the absolute certainty of this. A trifling augmentation of value, for a limited time, is at once overwhelmed by considerations of national advantage, which I have endeavored to illustrate.

The importance of the article of iron is admitted on every side. Whether in peace or war, it is of the first necessity. To depend on foreign nations for this, is too dangerous to our safety, and too degrading to our character. The country around Lake Champlain in New York and Vermont contains inexhaustible mines of the richest quality. Other parts of the Union also possess them. If once protected, the most abundant supply of iron would be produced. The country where they exist in the greatest abundance, is generally sterile, mountainous, and of little value in its present condition. With few exceptions, the manufacturer is prostrate beyond redemption, unless the aid of Government is afforded. From the counties of Essex and Clinton, in New York, we have a statement of their number and condition. There are between thirty and forty forges, which could produce nearly four thousand tons per annum. They now produce about one thousand. There are numerous manufactories for rolling and slitting and making nails. But foreign competition has rendered them almost useless. There are many in Vermont which have gone to decay and ruin, or preserve a lingering, doubtful existence. Some, on a very limited scale, in the neighborhood of populous settlements, having particular advantages, may afford a moderate profit. But a great proportion in that State and in the Union, are sinking under the pressure of foreign rivalry. We imported forty thousand tons for the last year. The amount will continally increase unless Government interferes. The value in our own ports, exclusive of duties, must be, at least, two millions and a half of dollars. This is furnished by Russia, Sweden, and England.

Look, sir, at our trade with those countries. In 1822, we took of Russia, in iron, hemp, and other merchandise, to the amount of $3,300,000. She received of us, our productions to the value of $177,000. We took from Sweden, in the same year, of her productions, to the value of $1,151,000. That country received from us $180,000. England takes nothing of consequence produced by the Middle and Northern States. The balance must, of course, be paid in the profits of some other branch of commerce. Suppose, sir, a part of what we send abroad for iron should be expended in the United States. Suppose five hundred thousand dollars should be expended around the shores of Lake Champlain, the effects would be immense. It would cause an investment of capital to a vast amount. It would give profitable employment to thousands of people. The hidden riches of the earth would be drawn from its bosom, where they would otherwise lie useless for ages. Manufactures, of which this metal is the principal material, would at once spring into existence. The agriculture of the surrounding country would be revived and invigorated. Millions and millions in value would be added to sections of territory, which are now desolate, barren, and uncultivated—where wild beasts alone have undisputed dominion. The lake and connecting canals open the way to expanded markets. The products of the mines would be exchanged for the various commodities abroad, which the comforts and convenience of the people would require. The same advantages would also result to New Jersey, Pennsylvania, and every other State where this invaluable article could be produced. What sacrifice, sir, is required of any interest, commensurate with the benefits to be derived from a solid and decided protection of this important production?

The same reasons apply, sir, with equal force to other important manufactures, the raw materials of which, this country affords an abundance. The subject is exhaustless. I have trespassed upon the patience of the Committee too long already.

As to the revenue, it seems to me that no danger is to be feared. The Secretary of the Treasury has recommended a revision of the tariff, for the benefit of revenue and the aid it would give to the manufactures of the nation. The proposed augmentation of the duty to twenty-five per cent. on merchandise now paying fifteen, would add greatly to its amount. It would operate principally on the rich, and tend to equalize the burdens of supporting the Government between them and the poor. Cottons are generally used by the latter, in the place of linens; and silks are not required by necessity.

It may be remarked, also, that the fine fabrics will but little diminish for years. The ability of the people to procure a greater amount of such commodities, as this country can never produce, will constantly improve. The demand for the consumption of these will continually increase with our rapidly increasing population.

I hope, sir, that the example of other nations will not be considered useless here. They may serve as a guide to our determination on this important subject. The reasons upon which they are founded, are clear and incontrovertible. Our experience had also proved the value of the aid already given to our manufactures. The earnest applications from almost every part of the country, for further assistance, must have an impressive influence on this Committee. I hope that the object of the motion now immediately under consideration, will be the last abandoned, and that the general provisions of the bill will receive the sanction of the Government.

When Mr. Mallary had concluded—

On motion of Mr. Brown, of Pennsylvania, the Committee then rose.

Mr. Sloane, of Ohio, gave notice that, on Tuesday next, he should move that the House go into a Committee of the Whole on the contested election of a member from Massachusetts (Mr. Bailey.)

The House then adjourned.

Monday, March 1.

DEATH OF MR. BALL.

As soon as the journal of Saturday was read, Mr. A. Stevenson, of Virginia, rose, and addressed the House, as follows:

Mr. Speaker: I rise to perform a painful and melancholy duty. It is to announce the death of my friend and colleague, William Lee Ball, a Representative from the State of Virginia. On yesterday, it pleased Almighty God to call him from this scene of suffering and trial to the abode of the blessed! The awful stillness and gloom which pervade this Hall, proclaim, more strongly than any effort of mine could do, the loss which we have sustained! In asking you to pay this last tribute to the memory and virtues of my deceased friend, what can I say to add to the strong and deep sympathy which is so generally and kindly manifested throughout this House? He was known to you all, and by all respected, esteemed, and beloved. I knew him well, for he was the early companion of my youth, and the friend of my manhood. There was nothing dazzling in his character, or shining in action, but his march through life was that of probity, honor, and virtue! He was characterized by a strong and noble mind; by generous and godlike feelings; by a kindness and simplicity of manner, and by a love and indulgence for his fellow men, which won the admiration and esteem of all who knew him. It might with truth be said of him, that he was without fear and reproach. Such was the man whose loss we deplore, and whose spirit has fled forever! Peace to his ashes! and would to God it could have been so willed that they might have mingled with those of his fathers! I offer the following resolutions:

The House having been informed of the death of William Lee Ball, a Representative from the State of Virginia, and being deeply sensible of the loss of a man whose public and private virtues endeared him to all who knew him, and, being desirous to render a just tribute of respect to his memory—

Resolved, That a committee be appointed to take order for superintending his funeral.

Resolved, That the members of this House will testify their respect for the memory of William Lee Ball, by wearing crape on the left arm for the remainder of the session.

Resolved, That the members will attend the funeral of the late William Lee Ball, to-morrow morning, at 12 o'clock.

The resolves having been unanimously agreed to, the House adjourned.

Tuesday, March 2.

The House met, and adjourned for the purpose of affording the members an opportunity to attend the funeral of the late William Lee Ball.

Wednesday, March 3.

Mr. McLane, of Delaware, presented a memorial of the inhabitants of the town of New Castle, praying for an appropriation for the purpose of sinking an additional range of piers, for the security of the harbor of said town.

Mr. Longfellow presented a memorial of sundry merchants and underwriters in the town of Portland, in the State of Maine, praying remuneration for losses sustained by spoliations upon their lawful commerce, by French cruisers, between the years 1793 and 1800, or that their right to claim the same from the Government of France, may be restored to them.—Referred to the Committee on Foreign Affairs.

Mr. Van Rensselaer presented a memorial of the American Board of Commissioners for Foreign Missions, containing the views of the said board upon the subject of the civilization and moral improvement, generally, of the Indian tribes within the limits of the territory of the United States, and stating, summarily, the proceedings which have been adopted by the said board, and by other boards, of different denominations, as well as of measures now in progress, for the benefit of said Indians; the success of their efforts, hitherto made, and the encouraging prospects as to the future; and soliciting such pecuniary aid from the Government of the United States, as, in the wisdom of Congress, it shall see fit to grant; which memorial was referred to the Committee on Indian Affairs.

The Speaker presented a memorial of the General Assembly of the State of North Carolina, praying Congress to make provision for satisfying, out of the lands ceded by that State to the United States, such claims as have been adjudged valid by said State under the act of cession of 1789, and which have remained unsatisfied; which memorial was referred to a select committee, and Mr. BURTON, Mr. BLAIR, Mr. SAUNDERS, Mr. ALLEN of Tennessee, and Mr. BUCHANAN, were appointed the said committee.

The Committee of Ways and Means were discharged from the consideration of the memorial of the trustees of the Columbia College, in the District of Columbia, and leave was given to withdraw the same.

Mr. COOK, from the Committee on the Public Lands, reported a bill granting certain public lots to the cities of St. Augustine and Pensacola, which was read twice, and committed to a Committee of the Whole.

On motion of Mr. INGHAM, the Committee on the Judiciary were instructed to inquire into the expediency of fixing, by law, the fees proper to be allowed for the official duties performed in relation to naturalization of aliens.

On motion of Mr. RICHARD, of Michigan, the Committee on Roads and Canals were instructed to inquire into the expediency of reporting a bill to authorize the surveying and making a road from Detroit, or from Pontiac, in the county of Oakland, in the Territory of Michigan, to the Lake of Michigan or to Chicago.

The Message of the President of the United States, in relation to the observance in the Army of the rules and regulations compiled by General Scott, was referred to the select committee appointed on the 30th December last, upon a Message from the President in relation to the expenditures in the Ordnance Department.

Mr. SLOANE, from the Committee on Elections, who were instructed to inquire whether any members returned to serve in this House, were not, at the time of their election, inhabitants of the States from which they were respectively returned, made a report thereon, which was read, and committed to the Committee of the whole House to which is committed the report of the same committee in the case of John Bailey. The report is as follows:

The Committee of Elections report, that, in compliance with the instructions contained in the resolution of the House of the 25th of February, they have obtained from the Department of State certain documents in relation to John Forsyth, one of the members returned from the State of Georgia, which they ask leave to make a part of this report. From these documents, it appears that Mr. Forsyth was elected a member of the present Congress during the time of his residing near the Court of Spain, in the character of Minister Plenipotentiary from the United States. The committee are of opinion that there is nothing in Mr. Forsyth's case which disqualifies him from holding a seat in this House. The capacity in which he acted excludes the idea, that, by the performance of his duty abroad, he ceased to be an inhabitant of the United States; and, if so, inasmuch as he had no inhabitancy in any other part of the Union than Georgia, he must be considered as in the same situation as before the acceptance of the appointment. The committee respectfully ask leave to be discharged from the further consideration of the subject referred to them.

PARTRIDGE'S MILITARY ACADEMY.

Mr. HAMILTON, from the Committee on Military Affairs, to which the subject was referred, reported a bill to authorize the President of the United States to cause to be issued to Captain Alden Partridge, fixed ammunition, and for other purposes; accompanied by a detailed report upon the subject; which bill was read twice, and committed to a Committee of the Whole. The report is as follows:

The Committee on Military Affairs, to whom was referred a resolution, instructing it "to inquire into the expediency of authorizing the Secretary of War to permit the issue of ammunition to Captain Alden Partridge, Superintendent of the American Literary, Scientific, and Military Academy, for the improvement of the pupils of the said Academy in practical gunnery," beg leave to report:

That, in the consideration of this subject, they have felt that it was their duty to discuss the policy inseparably connected with the resolution; nor have they been unmindful of the necessity of instituting a proper inquiry into the merits of the Seminary, for which the proposed bounty is intended.

Your committee would deem it altogether superfluous, that they should at this moment enforce, by any argument of theirs, the utility of encouraging the diffusion of useful knowledge, or that they should insist on a position so indisputably true, that a government cannot employ its energies more beneficially, or act under a higher moral sanction, than by advancing the prosperity of institutions of learning. But the proposition submitted for their consideration, affects the country in one of its most interesting relations—its defence; and as such, it forms one of the most important objects of our notice and regard. If it be admitted, that the existence and dissemination of the knowledge of the military science, is perhaps more important to the ultimate defence of the country, than the continuance of a standing army in time of peace, the promotion of this sort of learning may well be called "the cheap defence of nations." The only inquiry would then seem to be, whether the Academy of Captain Partridge is subservient to these important purposes; and here your committee would rely on the fact, that this institution is founded on the basis of military subordination, and one of the primary branches of its course of instruction is the theory of the art of war, as far as it can be taught, in reference to its abstract principles.

It appears that, independently of the Superintendent, (a gentleman of acknowledged genius and distinguished attainments) who takes upon himself the instruction of his pupils in mathematics, natural and moral philosophy, and the military science, there are at this school the following professorships, each filled by a separate instructer: 1st, of Ethics and Belles Lettres; 2d, Geography and History; 3d, Chemistry; 4th, Practical Geometry and Topography; 5th, the Greek language; 6th, of the Latin language; 7th, of the French language. Organized as this institution is, your committee must regard it as a very essential auxiliary to the Academy at West Point, as the lesser tactics are taught by field exercises, together with castrametation, military surveying, and most of the duties incident to active service, in the presence of an enemy.

Out of one hundred and fifty students, now at Captain Partridge's Academy, there are eight officers

of the Navy of the United States, on furlough, pursuing those studies which are indispensably connected with the duties of their profession; and among the rest of the pupils, there are several who are looking to the navy as their ultimate avocation, and whose names are registered on the list of applicants for appointments in that service.

Indeed, your committee think, without hitherto subjecting the Government to the cost of a cent, that Captain Partridge, by an enlightened public spirit, and ardent devotion to his present enterprise, is carrying into effect a portion of the admirable purposes of our own institution.

The value of the ammunition which, by the bill accompanying this report, is contemplated to be put at the disposal of Captain Partridge, it will be seen, will amount to $450 for the first year; a little more than the annual expense of a cadet at West Point. When a sum so trifling is contrasted with advantages so obvious, when it is recollected that Captain Partridge could not procure the fixed ammunition (as facilities for its preparation are only to be found in arsenals) except at an expense much beyond the annexed estimate, and not at all, perhaps, without great inconvenience, your committee cannot but believe, that, in recommending the passage of the bill herewith reported, they are firmly sustained by the enlightened policy which dictated the establishment of the Military School at West Point, and by considerations which tend to justify the liberal application of national patronage and beneficence to the meritorious and useful objects of individual enterprise and exertion

Your committee will not waste your time, or uselessly consume their own, by dwelling on the importance of lessons in practical gunnery to those on whom the future defence of this country may devolve. They cannot, however, refrain from offering one observation, which they think of some importance. Although many of the young men educated at Captain Partridge's Seminary may not be destined to obtain commissions in the Navy or regular Army of the United States, yet it is highly probable, from the military spirit and knowledge which they will thereby imbibe, that they will seek, in the militia of the several States, occasions for usefulness and distinction. In this department of the public service, a knowledge of practical gunnery is much wanted, nor could the General Government supply it more cheaply, (with the same degree of efficiency,) than by aiding its instruction at the fountain head of schools founded on a military basis.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. Condict in the Chair,) on the bill "to amend the several acts laying duties on imports;" and the question still being on Mr. Fuller's motion, to strike out the duty of one dollar and twelve cents per cwt. on bar iron—the debate of Saturday was resumed.

Mr. Brown, of Pennsylvania, opposed the motion to strike out, and advocated the duty in a speech abounding with the practical details of the subject, stated from his own knowledge and experience, as master and proprietor of extensive iron works, in that State.

Mr. Breck, of Pennsylvania, looked upon it as an incontrovertible principle of political economy, that raw materials must be furnished cheap to the manufacturer, to enable him to sell cheap.

We have, said he, five or six articles admitted duty free, and the manufacturer of most of these not only supplies the home consumption, but is enabled to export largely. Thus, undressed furs being free, $86,000 worth of hats were exported in 1822. Raw hides being likewise free, $326,000 worth of leather shoes were exported that year, as well as 450,000 pounds of gunpowder, owing to the raw material being lightly dutied.

The friends of the bill to regulate the tariff, now under consideration, profess to have, for their main object, the protection of manufactures; and yet, almost every article required by the manufacturer is saddled with enormous duties. Even the very dye stuffs are heavily taxed. Indigo, of which 1,160,000 pounds were imported in 1822, is to be charged with an additional duty, for the ostensible purpose of encouraging that article in Carolina, although it is well known, to those who have occasion to use it, that its quality is so inferior that foreign indigo is universally preferred. Copperas, too, already paying a duty of one dollar per pound, is to be increased, although 16,000 pounds are annually wanted for our manufactures.

As regards the article of iron, Mr. B. supposed there might be about thirty or forty iron masters in Pennsylvania, and perhaps as many more in the other States. They cannot, even if admitted into the class of manufacturers, compare, numerically, as more than one to five hundred, with manufacturers, properly so called, if the smitheries be included. Iron, from the hand of the iron master, can be considered as nothing else than a raw material, and its price is now very nearly what it was thirty years ago. At that period, those who worked the ore became exceedingly rich; and the chief reason why their successors have not been equally fortunate, is, because their skill has not kept pace with the astonishing improvements made in Europe, in the smelting of the ore, and other processes connected with its conversion into bar, hoop, and sheet iron, nail rods, &c.

In England, thirty years ago, there were made only about 20,000 tons of iron, and now that country produces 300,000 tons; and it produces it at considerable less than half the cost of iron in America; the Liverpool price of bar iron being about $36 per ton. The reason is, that the furnaces are kept in blast the whole year, instead of eight or nine months, as with us. There is a concentration too, of all the works necessary for hammering, slitting, rolling, casting, &c., which, with us, are scattered over the country. There, too, coal, at ten or eleven cents per bushel, is prepared for fuel. These facilities enable the manufacturer to send many articles of iron fabric to the American market, under a duty of twenty-four dollars per ton, with freight, &c., as cheap as our iron masters can afford to sell their bar iron here.

With regard to hemp, Mr. B. stated that the Legislature of Massachusetts had tried the effect of a bounty, in order to supersede the importation of that article; but it was soon relinquished, as a hopeless experiment. The error lies, perhaps, in the mode of rotting. Be it what it may, the proposed duty, which increases the $30 dollars per ton now paid to $44, will cause our ship owners to seek for cordage abroad; and as a proportional increase is to take place on canvass, our sailmakers, ropemakers, riggers, and other mechanics now employed about ship building, will be left unemployed, whilst those of Russia, and even England, will exclusively possess the advantage of equipping our merchantmen.

The effects of this monstrous bill, which touches upon nearly sixty millions of our imports, and seven millions and a half of our revenue, must be fatal to our navigation. All discriminating duties being abrogated, except with regard to Spain and Portugal, we find the tonnage, in our intercourse with European nations, to have increased, in the last three years, as follows:

In 1821	79,204 tons.
1822	100,541 "
1823	119,000 "

And in our intercourse with the single port of Liverpool, to have increased from 20,676 tons, in 1822, to 42,869 tons, in 1823. By which it appears that the British tonnage in our trade, with that port alone, has more than doubled in one year. What, then, I ask, is to become of the American tonnage, when, by this bill, you lay an additional duty upon iron, hemp, and sailcloth, which will augment the duties paid upon articles used to build a ship of 300 tons to eleven hundred dollars, instead of about six hundred now paid? Especially when unprotected, as our tonnage is, by the repeal of discriminating navigation laws, you deprive it, by prohibitory duties, of the freight of 32,000 tons of iron, 5,000 tons of hemp, and nearly 2,000,000 of pounds weight of raw wool.

These bulky articles will occupy 60,000 tons of shipping, which are equivalent to 200 ships of 300 tons each. Are we prepared to risk the non-employment of so many vessels—to embarrass, if not to ruin their owners; and this, too, at the moment that the foreign tonnage, equipped at less cost abroad, is so fast gaining possession of our export trade?

On the subject of foreign wool I will detain the Committee but a few moments. Imported wool comes from La Plata, Smyrna, Sweden, Denmark, and Germany. A great deal of it is of a coarser kind than any raised in the United States, and the remainder, indeed the whole, gives to the industry of the country the most advantageous employment. One of our most intelligent manufacturers has divided the wool imported in 1822 as follows:

Wool imported that year - - 1,733,426 lbs.

Cost in foreign countries, $387,312; paid duty $58,100; average cost 22 cents per pound.

700,000 pounds superfine, 6 and 7 1-4 wide, made 350,000 yards, at $4	$1,400,000
140,000 pounds common wool made 200,000 yards, at $2	400,000
590,000 pounds of coarse, made into cassinets, linseys, and negro cloths, 737,500 yards, at 45 cents	331,875
	$2,131,875
Deduct cost of wool abroad	387,000
	$1,744,875

Leaving a profit to the laborer of America of more than one dollar per pound. We have not the means of raising immediately 6 or 8,000,000 sheep to furnish this wool. The manufacturers must stop whilst the sheep are growing, and when the wool is ready for market there will be no buyers.

I beg leave to add one word upon the effects of this bill on the revenue. The duty upon foreign spirits is increased by it 15 per cent. This article now pays from 42 to 70 cents per gallon, according to the proof; and this is 2 or 300 per cent. upon its cost abroad. Under the existing law, spirits alone produce to our revenue more than two millions of dollars; but a system of smuggling has been organized in the State of Maine, and other places, which is so successfully carried on, particularly at Eastport and Lubec, near the British province of New Brunswick, that spirits are purchased in that section of the country for less than the average duty; fifty cents being the highest price asked by the dealers. If so bulky an article as rum in hogsheads can be landed without detection, a bale of fine muslins, silks, and other light goods will soon follow. No measure is better calculated to injure the revenue than high duties. I am friendly to manufactures, but I wish our commerce to bring to them the raw material cheap, in order that they and the shipping interest may thrive together.

Mr. B. was succeeded by Mr. Stewart, of Pennsylvania, who moved an amendment to the bill, proposing an additional tax on the descriptions of iron in the item under consideration, of twenty-five cents a year, for three years to come. He supported his amendment by a speech, in which he took a general view of the state of the iron factories, the fatal operation of the tariff of 1816, upon them, and the advantages arising from an effectual protection, towards which his amendment looked.

The question being put, the amendment moved by Mr. Stewart was not agreed to.

Mr. Hamilton then moved that the Committee rise; which motion was lost—ayes 66, noes 73.

The question then recurring on Mr. Fuller's motion to strike out the duty, it was decided in the negative—ayes 54, noes 85.

When the Committee rose, and, having obtained leave to sit again, the House adjourned.

Thursday, March 4.

Mr. Cobb, by leave of the House, presented a memorial of the citizens of Wilkes county, in the State of Georgia, remonstrating against the passage of the bill now pending in this House to amend the several acts imposing duties on imports.

Mr. Cobb also, by leave of the House, presented a similar remonstrance from the citizens of the city of Augusta, in the State of Georgia.

Ordered, That the said remonstrances be committed to the Committee of the whole House on the state of the Union to which the said bill is committed.

Mr. Little, from the Committee on Pensions and Revolutionary Claims, reported a bill for the relief of William Hall, an invalid soldier of the Revolutionary army; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. Cocke, a committee was appointed to inquire what number of public lots in the City of Washington have been sold by the agents of the United States; when sold, by whom, to whom, and for what price; what part of the purchase money has been paid, the amount due, and when payable; whether the debts are well secured, and whether all the money received has been applied to objects authorized by any existing law; how much thereof has been paid into the Treasury; and what disposition has been made of the money placed in the hands of the late Superintendent of the City, for disbursement; and that said committee have power to send for persons and papers. Mr. Cocke, Mr. Floyd, Mr. Mercer, Mr. Vinton, Mr. Marvin, Mr. Baylies, and Mr. Brent, were appointed the said committee.

Two Messages received from the President of the United States were read, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 1st March, 1823, requesting information of the number and position of the permanent fortifications, which have been, and are now, erecting for the defence of the coast, harbors, and frontiers of the United States, with the classification and magnitude of each, with the amount expended on each; showing the work done and to be done; the number of guns, of every caliber, for each fortification; the total cost of a complete armament for each; the force required to garrison each in time of peace and war; I transmit a report from the Secretary of War, containing the information required by the resolution.

JAMES MONROE.

Washington, *March* 4, 1824.

The Message and report were laid on the table.

To the House of Representatives of the United States:

I transmit a report of the Secretary of the Treasury, which communicates all the information in possession of the Department, called for by a resolution of the House requesting a copy of the report of the Register of the Land Office in the Eastern District of Louisiana, bearing date the 6th of January, 1821; together with all the information from the said Register to the Treasury Department.

JAMES MONROE.

March 4, 1824.

The Message and report were referred to the Committee on the Public Lands.

VACCINATION.

Mr. Gazlay, from the committee appointed on the 9th ultimo, on a memorial of Dr. James Smith, made a report, accompanied by a bill to encourage vaccination; which, by leave of the House, was reported, read twice, and committed to a Committee of the Whole. The report is as follows:

The memorial of Dr. James Smith states that the smallpox is now spreading, to a very alarming extent, to most of the great cities, and to many other parts of the United States; and that beside the calamities immediately attendant on the disease, it necessarily suspends and interrupts commerce and intercourse between different portions of the Union. To arrest the progress of this scourge, and to prevent its future appearance, the memorial recommends the appointment of a general agent for the United States, and local agents in the several Congressional districts, to whom the general agent shall at all times furnish the real vaccine matter, free of postage. The memorial also contains much detail on the nature and distinguishable character of the vaccine from the smallpox or variolous disease. It also asserts that medical skill is not required for the effectual and safe application of the vaccine matter; that this process may be performed by any person. But that, to insure confidence and success in the vaccine system, *great care, attention,* and *experience*, are necessary in obtaining and preserving the *true vaccine* matter, or crusts, and that if it be not pure, no reliance can be placed on it as a guard against the smallpox. To this point much evidence, drawn from practice and long observation, is set forth: also much evidence tending to show its ample protective character when pure.

In a paper accompanying the memorial Dr. Smith has furnished statements, with extracts of letters, and a certificate of a Mr. Phillips, tending to show that the unfortunate occurrence at Tarborough was the result of some wanton interference with his letter and directions, after they were by him enclosed, and before they reached Dr. Ward. That Dr. Ward is inclined to the belief of this fact, and made the first suggestion of it in April, 1822.

The committee do not pretend to account for the unfortunate occurrence at Tarborough, nor do they see as much reason for imputing its wilful commission to those who were publicly engaged, and of course the first to be made responsible, as to some secret hand not responsible. They beg leave to suggest the propriety and public necessity for paying some respect and attention to the general sentiment, which prevails throughout the civilized world, in favor of the preventive power of the vaccine disease against the smallpox; and that to obtain security from the latter, which so materially affects both life and our maritime relations, cannot be less than a national object. They ask leave to report a bill, and with that view offer the following resolution:

Resolved, That the select committee raised on the subject of vaccination have leave to report a bill.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the bill amending the several acts laying duties on imports.

Mr. Tod, Chairman of the Committee on Manufactures, moved to amend the first section of the bill, by altering the minimum cost of imported woollen cloths on which a duty of thirty per centum ad valorem is proposed to be imposed, from eighty cents to forty cents, and striking out the subsequent clause, which fixes the minimum for flannels, baizes, and other unmilled woollen cloths (except carpets and blankets) at forty cents.

Mr. **Martindale**, of New York, opposed this amendment. He said that the friends of the bill were taken by surprise by such a motion. The amendment went to alter the whole character of the bill by striking out one of its most important and most valuable parts. The labor of the country, formerly occupied in commerce and agriculture, has, by the reduction of those great national interests, been thrown out of employ, and wants occupation. No manufacture aids the farmer more than those the staple of which consists of wool, a product easily raised, easily extended, and for the manufacture of which we have mechanics in abundance. He hoped the Chairman, and the friends of the bill, would act on the conviction of their own judgment, and not by yielding to that of others, for the sake of conciliation, jeopardize or sacrifice the most valuable parts of the system of protection. The proposed duty would not operate to raise, but to diminish the price, as a similar duty had operated on coarse cottons. This was a sort of fabric with which American manufacturers could easily fill the market.

Mr. **Ingham**, of Pennsylvania, considered the item, now proposed to be altered, as a very important part of the bill. Its effect would be to raise the price to the consumer without benefiting the manufacturer. He suggested a modification of Mr. **Tod**'s motion, by which the minimum would be left open for discussion.

Mr. **Tod** thought there was no way in which to ascertain the views of the members on this part of the bill but by taking a vote. He certainly had no wish to see this clause stricken out; but he had made the motion in consequence of an assurance given him by several leading members, now in opposition to the bill, that, if this feature were removed, they would support the residue, and he wished the friends of the plan to remember that a bill which attained only a part of the object desired, and which passed the House, was better than a bill of the most finished and perfect form that did not pass.

Mr. **Tracy**, of New York, expressed his regret that this amendment should have proceeded from the honorable Chairman against his own better judgment. It certainly aimed a blow at the most important item in the whole bill. He believed the country is fully able to raise all the wool it needs. He hoped the motion would be withdrawn. If it was intended as a compromise with the opponents of the bill, the honorable Chairman might find that, while he won over a few of them to his side, he at the same time lost many of those who were now its supporters.

Mr. **Baylies**, of Massachusetts, hoped the amendment would not be withdrawn. He did not believe this country possessed (at least not at present) the capacity to raise its own wool; and, if we cannot get it at home, we must get it from abroad. He thought the duty left by the amendment would be sufficient to keep out of the country those fabrics which the gentlemen had described as made of woollen rags ground up, and which would scarce endure a puff of wind without falling to pieces. The minimum at forty cents would, in his opinion, be sufficient for the present. We must attain a maximum by degrees.

Mr. **McKim** went into a calculation in figures, and insisted that the bill would diminish the importation of woollen goods one-half; that the revenue would lose at least eight hundred thousand dollars; the minimum at forty cents was equal to seventy-three per cent; what more was wanted for a protection?

Mr. **Buchanan**, of Pennsylvania, supported the amendment, as a measure proper in itself, and calculated to promote a spirit of mutual conciliation. The present duty on woollen goods is twenty-five per cent. ad valorem—the bill would raise it to thirty-three and a third. The minimum proposed by the amendment is forty cents per square yard; a yard of coarse baize costs eight pence sterling; the ad valorem duty, as amended, is equal to eighty per cent.; without the amendment, it will amount to one hundred and thirty per cent. He thought we were not yet ready for a prohibitory duty on coarse woollens; to which article the arguments from coarse cottons did not apply, because cotton was abundant—wool was not. The amount imported last year was one million six hundred thousand pounds—worth three hundred and forty thousand dollars. By going too rapidly, in pressing the system, we shall injure both the consumer and the manufacturer. If the raw material was abundant, he should oppose any reduction of the mimimum; but at present he should advocate the amendment.

Mr. **Tod** observed that the Committee of Manufactures had used the greatest diligence in collecting information, not only from the members of this House, but from persons in various classes of the community, whose interests were involved in the several parts of the bill. Some doubt existed as to the point at which the minimum on coarse woollens ought to be fixed. And the Committee were unwilling, by going too far, to risk the popularity of the bill, and thereby jeopardize its success. But, as several of its friends had expressed a wish to have time for further deliberation, he would consent to withdraw his amendment.

Mr. T. then moved to amend the third section of the bill by making the annual increase of duty on unmanufactured wool more gradual, and by adding a proviso "That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound shall be charged with a duty of fifteen per cent ad valorem, and no more."

Mr. T. stated that the committee had learned that objections existed to this part of the bill, both among the manufacturers and the raisers of sheep. It appeared that a coarser wool was wanted than any raised in this country, for a particular kind of coarse goods, (negro cloths, &c.,) and that that species of wool may be procured sometimes for eight and sometimes as low as six cents a pound, while the lowest priced American costs twenty-five cents.

Mr. McKim, of Maryland, called for the reading of a memorial from Germantown on this subject; and it was read.

Mr. Clark, of New York, made some remarks which the reporter was not fortunate enough to hear distinctly.

Mr. Ingham advocated the amendment. He hoped this coarse wool would not be excluded from importation; it employed a large number of additional spindles, without in the least interfering with our native products; a million of pounds were imported the last year, chiefly from South America, with which country it was our interest to cherish a commercial connexion, as she furnishes a market for many of our manufactures, and, if she can return her native productions for them, will continue and increase her demand. He thought this sort of wool had better be freed from duty altogether—at all events, it was better that we should import it in a raw state than in a manufactured form.

Mr. Forward stated that large quantities of wool were raised in his district; and he had, at first, been under the impression that his constituents would be benefited by the item of the bill, without any alteration or proviso; but he had reason to change that opinion, and he advocated the amendment. The Committee on Manufactures had, since the bill was under discussion, obtained a mass of information from all parts of the country, sent up by those about to be affected by the various parts of it, which had, on several points, materially changed the opinions of the Committee, and would lead to motions for corresponding changes in the bill. The fine wool imported from some parts of Germany competes with our own; but this coarse wool brought from Smyrna and South America cannot; it is of a quite different quality, and may be bought at about nine cents a pound. He was in favor of eventually excluding foreign wool; but it must be done by degrees. A large and sudden duty will break down the manufacturer.

Mr. Livermore then rose. He said there was a character in the Eastern part of the Union known by the name of the New England farmer, whose voice he wished might be heard on the present question. When the bill appeared, he had looked over it with anxiety to see what had been done for that character, and he found only two items in it to compensate him for all the rest; these were the duty on wool and the duty on tallow. As to wool, he was sorry to hear that wool mean enough could not be raised in this country. For himself, he should conclude that the better the wool the better would be the article made out of it. Gentlemen, who understand manufactures, tell us that the amendment will benefit the farmer, because he cannot make wool mean enough; but if you will only protect the growth of wool by duties, any quantity of it can be raised. It is a product easily extended. The amount might be doubled in two years, and where you raise fine wool you raise coarse on the same sheep. Exclude the coarse bad wool from abroad, and you will soon have a better article. It is said the coarse must be imported because we can't raise it; but what was said when the duty on iron was under discussion? The gentleman from Pennsylvania told us they can't make it because it sells for only eighty dollars a ton, and he wants to raise the price to $140; but the same argument will apply to wool. There are memorials against the duty, from men who raise a great many sheep, but they are men who own, at the same time, large manufacturing establishments, and take on themselves the name of farmers, just as another class of manufacturers take upon them the name of merchants. The cities to the Eastward are full of them. They are capitalists; that is their proper name. They put their money into whatever will bring them the best returns. But these were not to be heard on the interests of the farmer. To him this tariff is a bitter pill. Do give him a little gold on the outside, just to cover it, and take off some of the bitter taste. The people in his district could make carpets at their fireside, and nobody complained that they could not get wool mean enough. If labor is to be protected, let it be protected. Don't give it a less market than it has already. Cities, we all know, stand only by commerce. The ground on which they stand is often good for little. The great city of New York, when the Dutchmen first saw it, was a fine place to make canals on, and that was all. But New York consumes 200,000 barrels of flour, and 800,000 are exported. The cities furnish a market for the farmer. Can the gentleman from Pennsylvania conjure Philadelphia into a Manchester and New York into a Birmingham? Let him do it. Yet it was not manufactures alone which supported the farmer. Fifty or sixty thousand families were occupied in the fisheries—and, reckoning five for a family, these amount to a quarter of a million. They all eat as much as a man who attends a cotton jenny, and the jenny eats none. The New England farmers and the Pennsylvania farmers say "let us alone," except so far as your bill is intended for revenue. This, Mr. L. insisted, is the legitimate subject for consideration. Gentlemen had often been asked how the deficit in the revenue was to be supplied? It must be either by a land tax or an excise. Will gentlemen say they mean to lay a direct tax? They will say no such thing; they tell us it will be time enough to apply a remedy when the disease has grown desperate. I don't like this. One object of the Federal Union was to pay the debts of the United States; the debts were enormous, and this new government was to pay them. Now, we are told, the national debt is a bagatelle. Why is it not paid, then? It is not diminished any. I would give more for a motto uttered some time ago, by a gentleman from Virginia, (Mr. Randolph,) than for all such arguments. "Pay your debts," said he, and his words fell on my mind with great force. Let us pay first, and then tamper with the revenue; a source of supply that calls for almost no expenses in its collection, and always gives us more than we expect. When the gentleman made his motion to strike off this little gilding from the pill he has prepared for us, I could not think him serious; yet he appears considerably so—I hope he may yet recant. His argument seems to be this—we can't get, at home, coarse wool at the present price; therefore, let us get it from abroad, and not raise the price when wool is now about a shilling a pound. Sir, it ought not to be disguised, that, now-a-days, manufacturers are every body, and every body else are nobody. This is the case, especially in the State I come from. But is the course they propose practicable? They can't do it; the poor can't protect themselves against the rich, against the wealthy few; these will supply what the others try to protect.

The cotton manufactures in Pennsylvania and Ohio, are to be protected, it seems, by an exclusive duty. Well—exclude them—and what follows? Why, the wealth of the Eastern capitalists will supply the article, and undersell you, do what you will. You will compete with Boston, instead of England—that will be all the gain to you. Gentlemen seem to speak at random. Do they not know that between three and four millions of dollars have been invested in manufactures in the State of New Hampshire—and yet, not one of these manufactures has urged a duty on woollen or cotton. They know their interests too well. All that you do will only run down the small establishments for their advantage. He hoped the Committee would cover the pill with a little sweet—and not, after beguiling the farmer by one or two lures, get him to support the bill till it is too late to oppose it and then turn round and leave him.

Mr. WRIGHT did not doubt the gentleman from New Hampshire had made a very excellent speech, but where he sat it was almost impossible to hear one word of it. He took the question now to be, Whether we shall raise wool ourselves, or let foreigners raise it for us? Whether we are in a situation to supply the manufactories with this article, and, if so, whether we shall draw the supply of it from abroad? Look, said Mr. W., at the policy pursued by England. She lays an impost duty of eleven cents a pound on foreign wool, (there might be some reduction on woollen rags intended to make cloths to be sent to the United States,) but she does not stop here; she prohibits the exportation of wool, or of sheep, under a heavy penalty. She considers the woollen manufacture her staple interest; and they give to their agriculturists the exclusive supply of their manufacturers. So great is the anxiety in England to support this manufacture that, by a law, the dead are obliged to be buried in woollen, and the first law officer of the Crown sits on a woolsack when presiding in the House of Lords.

In France the same policy is pursued. Even during the Revolution, while homes and sanctuaries were pillaged, and all rights of property wantonly disregarded, one thing was guarded—it was the national flock of merino sheep at Rambouillet; this remained unharmed through all the stormy succession of Governments that prevailed in that country. Such were the views of European statesmen on this matter. But can we raise wool enough in this country for the supply of our factories? Look at our experience during the last war—we did then raise enough to meet the whole demand—our flocks were multiplied to a vast extent; but peace came—the Government refused protection to the wool growers—foreign wool was poured into the country—the flocks were dissipated—they disappeared; part were exported to other and wiser countries, part were sent to the shambles. And now we are told we can't raise enough. Sir, from information communicated by intelligent men, in whom great confidence ought to be placed, large quantities of American wool are now waiting a market in the neighborhood of Philadelphia, and New York, and some in Boston, in whole, probably, equal to two entire shearings of the wool grown in those sections of the country, if not greater. Why? Because the manufacturers on the seaboard are merchants also. Where they have five dollars in manufactures, they have twenty-five in commerce; and, for the sake of that commerce, they bring in the material from abroad. But is this a policy for us to pursue? to put down all the interior for a strip of country sixty miles from the Atlantic, (the "United States proper," of an honorable gentleman,) if that is the real policy intended by gentlemen, let it be avowed—let gentlemen only say so, and we are ready to meet them; only say, in plain words, to the people, that you intend, in all practicable cases, to prefer the raw material from abroad, to that raised at home, and the people will soon speak to you in a language that you will not be able to misunderstand. Laws are not for manufactures alone. They must be for agriculturists also.

In support of a system of gradual prohibition, Mr. W. then proceeded to quote details from the annual statistical tables, from which it appeared that, in 1817, while we imported 386,985 pounds, we also exported 39,400 pounds. In 1822 we imported 1,733,420 pounds, and we exported none. Thus had the foreign wool supplanted our own. Merino wool has for some time been selling at from twenty-five to thirty-two cents a pound, a price at which our wool growers could not supply the article without loss; but American fine wool can be supplied at a profit, of a better quality than the imported, at an average price of fifty cents a pound. The coarse wool from Smyrna may be had at ten cents. We do not grow this kind at all, and it was proper it should be exempted from duty. In matters of mere agriculture, we may proceed with rapidity—but not in a product of this description. He believed that, in four or eight years, say six years, the country could meet the demand, and the prohibition might be total.

Mr. MARTINDALE could not agree with gentlemen who said that this coarse wool did not come in competition with our own. If it was now used where our own would be used; if this were excluded, then, to its whole extent, it does come in competition with ours.

The duty now proposed, was not a prohibition. The article would still be imported, though in less quantity. It would operate moderately, and that was just what the agriculturist wanted. It was to him we ought to look, throughout the whole of this bill; but we could only reach him through the manufacturer. Gentlemen have shown great anxiety lest the duty should injure the poor. Mr. M. said he also was a friend and an advocate of the poor; but he would aid them by giving them employment; if the duty should, for a time, increase the price of coarse woollen goods, it would, in the same proportion, increase the employment of the poor, who were to buy them. But, whose voice is it, that speaks on this floor for the poor? The voice of the capitalist, who owns large flocks and large factories. He fears the poor—the poor farmer and the poor manufacturer may come in competition with himself; it is for himself he speaks. Mr. M. considered it as a principle of universal truth and application, that where the producing power exists, protecting duties will cause the article to be produced cheaper than before. Gentlemen who advocate the amendment, seem now to forget the policy of England, which is to break down our manufactures by every practicable means. Will she regard this small duty? No; she will pour in her manufactures upon us, so long as she can sell them for any thing more than the duty. It is time to protect our farmers, that they may begin a system of home supply. It is at the beginning, emphatically, that this protection is needed. Gentlemen say we must not tax coarse wool because we cannot now supply the demand; but we are supplying that demand with a substitute—we mix cotton in the woollen fabrics, and this is a benefit to all our Southern country. Surely, it is fair, that when the manufacturer asks of the farmer to buy his cloth, the farmer should ask in return that the manufacturer will take his wool.

Mr. Ingham observed, that some allusion had been made to personal interests of gentlemen on the subject under debate. With deference, he must deny the propriety of such allusions. All of the members have an interest, direct or indirect, in what is done here, whether they be merchants, manufacturers, or agriculturists, and they were justified in presenting to the consideration of the House the several interests which will be affected by its acts. He made this remark as a general one, and not because he thought the remark of the honorable gentleman fairly applied to him, when he said that there was a combination of manufacturers under the mask of wool growers. He had little or no interest in the article of wool, as he owned but a hundred Merino sheep, which he kept more for amusement than profit. He thought it the interest of the consumer that the duty should be reduced. The only effect of a heavy duty on coarse wool would be, to throw all who are now engaged in manufacturing the raw material into coarse goods, entirely out of employment, and there were not less than ten thousand spindles thus occupied? Were not the farmers interested in feeding this body of men? Where manufactures flourish the farmers flourish.

Mr. Cambreleng said, he rose merely to reply to the argument of the gentleman from Pennsylvania, (Mr. Ingham,) in his rejection of the duty on wool. He says, that this inferior wool will not be raised in the country; and, therefore, it is not wise to prohibit the importation. Now, if this is a good argument, why not apply it to hemp? The Navy Commissioners cannot use the American hemp, because it is bad; and then, the gentleman says, lay on a prohibitory duty. How can both these arguments stand? He now says, if a duty is laid on coarse wool, a different article must be substituted. Just so his bill will operate in the article of linens—it will not lower the price of linens, but will supply their place by cottons.

Mr. Ingham replied.—The gentleman agrees with me about the measure proposed: is it not strange that he should take this occasion to find out some other point in which we disagree? He finds that some argument of mine is at war with another argument brought forward on this side, (but which is not mine.) He then assumes that I used it, and next accuses me of inconsistency. I never said any thing about the hemp duty. The honorable gentleman seems kindly to assume opinions for me.

Mr. Cobb wished that the question on the two parts of the amendment might be divided.

The Chairman pronounced this not in order.

Mr. Tracy then moved to amend the amendment, by substituting eight for ten cents, as the price at the place whence imported.

Mr. McKim opposed this alteration.—He said, that no wool could be purchased so low as eight cents—and he read a statement of the prices at which the article had been imported. He thought the object of the mover could only be to defeat the amendment.

Mr. Tracy said, if no wool could be purchased as low as eight cents, he should then doubt the expediency of the amendment first proposed—in that case, the article needed no exemption. He had certainly been told by manufacturers that they sometimes bought it at six cents.

Mr. McKim explained.

Mr. McLane believed that the question was not understood. If the bill passes, the duty on the raw material will countervail the duty on foreign goods—the duty will come on the consumer. This article of coarse wool only concerns the fabric of negro cloths. That cloth is now made out of wool that costs from ten to twenty cents a pound. A high duty will oblige the American manufacturer to substitute a finer cloth for the coarse article, and then the foreigner comes in and supplants him. It is never politic to tax a raw material, unless to encourage its growth at home. But this kind of wool is not produced here—so that, under pretence of encouraging manufactures, you deprive the manufacturer of the very material on which he is to work. The American farmer raises wool from a mixed breed of sheep, and the very coarsest of it costs twenty or thirty cents. But the foreign is raised by the wandering shepherds of Buenos Ayres and the boors of Sweden. The wool is essentially inferior. There are other kinds of wool raised amongst us, which ought to be protected—the Merino, the common, and that of the mixed breed. He would put one fact to the gentleman from New York, (Mr. **Tracy.**) It has been stated that this coarse wool costs at the outside twenty cents. There is no wool raised here at less than twenty-five, and the most of it at forty cents. From whence are you to get two millions of pounds of this coarse wool? It would require six hundred thousand sheep, and would take eight or nine years. What becomes of your manufacturers in the meanwhile? They are gone: and, when the wool comes, there is nobody who wants it.

Mr. **Hamilton** said he rose to make a single observation, and that was, to comment on the singular attitude of the question before the Committee. A question which had changed the relations of confederates, and now placed in array a certain class of agriculturists with their old friends, the manufacturers. In the progress of the bill, there had been certainly all sorts of arguments. Those who had gone into the bowels of the earth, in pursuit of a metal more precious than gold—those who had fought valiantly in the hempen-fields of the West—and, Mr. H. said, he did not now see, according to the principles of the compromise of the bill, by which equivalents in different quarters were to be arranged and modified, why the Northern and Western agriculturists were not also entitled, in the general distribution of the booty, to their *golden fleece.* It was certainly amusing to perceive how readily, when convenient, the arguments of those opposed to the whole monopoly of the bill, could be adopted by the gentlemen advocating the interests of the manufacturer. Even the gentleman from Delaware, (Mr. **McLane,**) to whom, said Mr. H., I always listen with instruction and pleasure, had urged in favor of lowering the duty on raw wool, those very reasons which might be advanced against the whole policy of the tariff. But the gentleman from Pennsylvania, the chairman of the Committee on Manufactures, had employed, for the reduction of the duty on wool, the very arguments which had been so unavailingly enforced for the reduction of all the other duties. And now, when he comes out, and says that the very duty reported by himself should be reduced, and proposes an amendment to his own bill, does he not urge the very argument which he has previously resisted? This gentleman has, throughout, gone upon this principle: that domestic production will be commensurate with foreign prohibition, but, as the manufacturers want wool on the cheapest terms, on reflection, this principle will not apply to this raw material, although it does to iron and hemp. Now, said Mr. H., I wish to know why it will not apply to wool. When the foreign supply is cut off, will not those infinite creations of domestic production take place, which the gentlemen have predicted, in relation to other articles? Mr. H. said he believed that flocks of sheep could be multiplied with the same facility as iron forges and hemp factories, and the argument, if worth any thing, applied as well to the former as the latter. Mr. H. said, he confessed that he had no interest in adjusting the separate claims which conflicting monopolies might put in; he had risen to point out an inconsistency in the arguments of the friends of the bill, for he might say that in voting either against or in favor of amending the section, he gave his suffrage without bias; for, in whatever way the duty on wool was modified, it would be unimporto the interest of those he represented; for, if the duty on the manufactured fabric was retained, the planters of the South would make their own clothing for their slaves, for the manufacture of which, the materials, consisting partly of wool and partly of cotton, were to be found in abundance in the interior economy of most of their plantations—a necessity to which grievous duties would unquestionably drive them. Mr. H. said he could not but be surprised at the unlooked-for moderation and generosity of the chairman of the Committee on Manufactures, for which, he said, he had no doubt that gentleman had the best reasons, although he chose to keep them to himself.

Mr. **Tod** observed, in reply, that he began again to have hopes of getting the support of the gentleman from South Carolina, for the whole bill—for all the taxes come to, is this: that we will make our own manufactures. But that gentleman is mistaken if he supposes that the same arguments apply to wool as to iron. The sheep which produce this wool are raised in a country that is always warm, and they have a quite different covering from sheep which live in a Northern country, or any country where the heat is interrupted by a cool season. It is rather hair than wool—and though I am friendly to manufactures, I am not such a friend to them as to raise them in spite of nature herself. I shall not attempt, by protecting duties, to produce whale oil on the top of the Alleghany mountains.

The question being taken, Mr. **Tracy's** amendment was not agreed to. That of Mr. **Tod** was carried.

On motion of Mr. **Tod**, the following items were also stricken out:

"On scythes 25 cents each."

"On gridirons and griddles, 20 cents each."

"On frying pans, 25 cents each," and insert in lieu thereof "4 cents per pound."

To the article laying a duty of 25 cents per gallon on linseed and hemp seed oil, was added the words "rape seed" (oil,)

The Committee then rose, and the House adjourned.

Friday, March 5.

The Committee of the whole House to which is committed the bill from the Senate, entitled "An act confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang to certain tracts of land," were discharged from the consideration of the same, and it was recommitted to the Committee on Private Land Claims.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union, on the bill for amending the several acts laying duties on imports.

Mr. Tod moved to amend the fifth section of the bill by adding to that article which lays a duty on window glass, of several different sizes, the following proviso, (to prevent the law's being evaded,) viz: "provided that all window glass imported in plates uncut be included in the above duty."

Mr. Tod moved to add to the clause which lays a duty "on iron, in bars or bolts, not manufactured, in whole or in part, by rolling, $1 12 per hundred weight," the following words, (for the same purpose, of preventing the duty from being evaded,) "on ploughs or share moulds a duty of one cent and a half per lb."

On this motion some conversation took place between Messrs. Cambreleng, Brown, Sanford, Udree, and Cobb.

The amendment was rejected—ayes 59, noes 63.

Mr. Tod then moved to add to the clause containing a duty on Brussels, Venetian, Turkey, and Wilton carpets and carpeting, the words "on all ingrain carpets and carpeting 25 cents per square yard;" which motion was carried.

Mr. Tod then moved to add to the clause laying duties on nail rods, sheet iron, and iron slit and rolled, the following words, "on pig iron 75 cents per cwt." On this motion a prolonged and desultory debate arose, which continued until past four o'clock.

The speakers in favor of the motion were Messrs. Tod, Brown, Stewart, Udree, Forward, and Garrison.

Those in opposition to the duty were Messrs. Cambreleng, Reed, Mercer, Fuller, Poinsett, Sterling, Crowninshield, Floyd, and Foot, of Connecticut.

It was advocated, first, on the general principles of the bill, that our own manufacturers should, wherever it was practicable, be encouraged in preference to those of foreign countries, in order to promote internal trade, and the independence of the country, and to provide a resource in case of war. The article of iron is abundant, being found in almost all the States of the Union; its quality is equal to that of any in the world; pig iron is its very rudest form of manufacture—it employs labor that would otherwise remain idle; a duty has already been laid on bar iron, which will lead to the importation of pig, unless that importation is met by a duty on pig also; none was imported previous to 1818; in that year one hundred tons were imported, and the importation has already reached thirty-one hundred tons a year. This goes to keep the native riches of the country buried in the earth, while foreign products and industry are promoted. This is an article that, of all others, should be encouraged, because it converts that which is worthless, (and worse,) into an article of great value, of general utility, and of indispensable necessity. No country that produces iron encourages, but, on the contrary, prohibits, the importation of the raw material; and pig iron is little else.

It was opposed on the general ground that, instead of benefiting manufactures, this duty went to injure them. Pig iron is not imported in any very large quantity, and that which is imported is not brought from abroad on account of a lower price, but of a peculiar quality. It is the Scottish grey iron, which has a degree of fineness and solidity which renders it peculiarly fit for small castings used in machinery. It must be mixed with our own iron for certain kinds of work—we have no substitute for it, and the duty is only so much laid on the manufacturer; so that this is, in truth, a strife between manufacturer and manufacturer, and not a question whether the general interests of manufactures are to be promoted. The present duty is sufficiently heavy; and the fact that Scottish pig continues to be imported under that duty, shows that the article is needed. For a species of iron analogous to this, the manufacturers of Massachusetts send all the way to New Jersey, and bring the raw ore 400 miles by water and 40 by land. It is not correct that England prohibits the importation of the raw material. She lays on it a tax of no more than fourteen shillings and eight pence sterling a ton, and great quantities are still imported into that country from Sweden and Russia, although the application of coal to smelting the ore has led to a vast production of English iron. This duty is not needed by the makers of pig iron; they are already growing rich, while the manufacturers of bar and bloom iron are growing poor—the duty will go to increase the profits of those already thriving, and to add to the burden of those who are about to sink; as the makers of pig iron have already a duty which gives them the market, all the duty now added will only be so much added to the price paid by the consumer. The argument urged by the friends of the bill, in favor of admitting South American and Smyrna wool, will apply equally to admitting Scottish grey pig iron. Both are articles which cannot be raised in this country, and yet are essential to very valuable branches of its manufactures; and every argument against the one, goes equally against the other. The New Jersey pig iron is no substitute—Heaven defend the merchants who have had one consignment of it from ever receiving another—especially if they have the Scotch pig at the same time for sale. If you prevent the importation of the Scotch metal in pigs, you will only have it imported in a manufactured form, which would be worse, on the principles of those who would lay this duty. Surely, if the manufacturers of Massachusetts can afford to go 400 miles for the raw ore from New Jersey, and make it into pig iron at their own furnaces, the manufacturers of New Jersey cannot need the duty now proposed, who have the ore at their door. The foreign pig iron is used in our foundries of cannon.

It was rejoined, that the quality of the Scotch pig iron did not depend on any thing peculiar in the ore, but in the manner of preparing it; and that the iron of this country could be so mixed as to be made either into what is called grey iron, or white, at the will of the ironmaster, (and details of the process were given.) There was a difference between rock ore and bog ore; the latter was of a finer texture, shrank in cooling, and made a firm and brittle metal, fit for machinery; the former swelled in cooling, was of a coarser and tougher texture, and was fit for bar iron; one is called red shear, the other cold shear.

The argument that this article was needed because it was imported, if urged against a farther duty, applied equally to every farther duty, and superseded not only the whole bill, but all revisions of the tariff at any future time. By proving too much, it proved nothing. Its importation interfered, to the whole extent, with our own native products and home industry. Admitting the duty in England, on pig iron imported there, to be only 14*s.* 8*d.*, when compared with the price of the article in England, it was, if not absolutely prohibitory, at least very nearly so. The quantity of iron that swelled the amount imported into England, from Russia and Sweden, was chiefly bar iron. The foreign pig iron cannot be needful in making cannon. During the war we got none of it. The metal, both of the cannon and men employed in that contest, was genuine American. So far is it from being necessary for cannon, that even gunlocks and musket-barrels are made of our own iron.

Many statistical details were given in the course of the debate. The policy of England was discussed, and quoted as an example, especially in the present bill, the whole protecting policy of which was insisted on as being borrowed from Great Britain.

Much occasional pleasantry arose, and agreeably relieved the dryness of the debate. Mr. TOD compared himself to the man represented in the title-page of the Almanac, stuck through on every side, and in every part of his body; and, in reply to an intimation that, as chairman of the committee he ought to have been acquainted with certain facts of a statistical and geographical kind, with which he did not seem familiar, replied, that to fight an enemy, and beat them too, it was not needful to know all the names of his captains and colonels, and of the rank and file that made up his army.

The question being put on Mr. TOD's amendment, laying a duty on pig iron, it was decided in the negative—ayes 79, noes 111.

On motion of Mr. TOD, the duty of twenty-five per cent. ad valorem, "on printing types," was stricken out.

He further proposed a duty of thirty per cent. ad valorem "on oil cloth carpeting, and oil cloth of every description," but, on an intimation from Mr. CAMBRELENG, that a specific duty would be preferred by the manufacturers, agreed to withdraw his motion for the present.

The Committee then rose, and the House adjourned.

SATURDAY, March 6.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred, on the 19th of January last, a memorial of the General Assembly of the State of Louisiana, reported a bill granting a tract of land to the inhabitants of the parish of Point Coupee, on certain conditions; which was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to which were referred, on the 5th and 12th of January last, memorials of inhabitants of the State of Missouri, reported a bill to establish an additional land office in the State of Missouri; which was read twice, and committed to a Committee of the Whole House on Monday next.

Mr. HAMILTON, from the Committee on Military Affairs, to which the subject was referred, reported a bill to allow further time to complete the issuing and locating of military land warrants; which was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the Committee on Commerce, to which the subject was referred, reported a bill to provide for sick and disabled seamen; which was read twice, and committed to a Committee of the Whole.

Ordered, That the committee appointed on the 3d instant, on a memorial of the General Assembly of the State of North Carolina, upon the subject of grants, by that State, of lands in Tennessee, to which was referred, on the same day, the resolutions of the General Assembly of the State of Tennessee, on the same subject, presented on the 26th January last, be discharged from the consideration of the said resolutions, and that they be laid on the table.

On motion of Mr. OWEN, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation to refund George Fisher a sum of money improperly paid by him to the receiver of public moneys at St. Stephen's.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union. The Tariff Bill, being the unfinished business of yesterday, was again taken up for consideration.

On motion of Mr. TOD, the bill was amended by inserting a new line, laying a duty of thirty per cent., ad valorem, upon "oil cloths and oil cloth carpeting." On his motion, also, the bill was amended by striking out the line imposing a duty of "ten cents per pound on Prussian blue." On his motion, the bill was further amended by raising the proposed duty "on currants and figs" from three cents to four cents per pound.

Mr. BRECK then moved to amend the following clause: "On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, a duty of twenty-five per centum, ad valorem," by striking out therefrom the word "silk."

Mr. BRECK supported his motion by a few remarks, to show that we could not, at present, hope to do much in the raising of silkworms and manufacture of silk, and that, therefore, being an article very much wanted in the country, and which we cannot produce, this duty ought not to be levied upon it.

Messrs. CAMBRELENG, LIVINGSTON, and REED, of Massachusetts, also supported the proposed amendment, and Messrs. Tod, Wright, Sandford, and Trimble opposed it. On the question being taken, the amendment was rejected, without division.

Mr. McKim then moved to amend the bill, by striking out the following line: "on tallow, four cents per pound." At the request of Mr. Baylies, however, the motion was withdrawn until further information on the subject should be laid before the House.

Mr. Forsyth moved to insert a new line in the bill to levy a duty of "thirty per cent., ad valorem, on millstones, and all articles used in the manufacture of millstones." This amendment was advocated by Messrs. Mercer and Mallary, and opposed by Messrs. Tod and McKim; and it was then rejected.

Mr. Baylies then moved to amend the bill, by raising the proposed duty on "Epsom salts," from three to four cents per pound. Messrs. Baylies and Tod spoke in favor of it.

Mr. Reed, of Massachusetts, expressed his wish that the amendment might prevail. He observed that considerable quantities of Epsom salts were now manufactured in his vicinity—that it could be manufactured to any extent on the whole seacoast, and wherever there is salt springs—that the price would, without doubt, be reduced. He further stated that the duty on Glauber salts was of little consequence, because, that, owing to the manufacture of that article in his vicinity, the price had been reduced to less than one-third of the price formerly paid. He had no doubt that a great abundance of the article in question would be manufactured, and the price would be reduced. He judged, from what had been done by the manufacturers of Glauber salts, who would now manufacture Epsom salts also in the same manufactories; that we could suffer no inconvenience from increasing the duty from three to four cents per pound.

The amendment was agreed to.

Mr. Forsyth then moved that all the third section of the bill be stricken out—it is as follows: "From and after the thirtieth day of June, 1824, to the duties on all goods, wares, and merchandise, herein before mentioned, or any other, there shall be added, and shall be collected and paid, the full amount of such bounty or premium, or allowance in nature thereof, as, on the exportation of similar articles, may be given, paid, or allowed, in the country or place from which the same shall be exported, or in the country or place wherein the same shall be produced or manufactured; which shall be calculated and ascertained, under such rules and regulations as the Secretary of the Treasury shall, from time to time, fix and prescribe."

This motion gave rise to considerable discussion, in the course of which Messrs. Forsyth, Foot of Connecticut, Webster, P. P. Barbour, and Mercer, spoke in favor of striking out the section, principally on the ground that the addition of the bounty allowed in the foreign country, to the duties levied on the imported article, is an infringement of that part of our Treaty with Great Britain which provides that no higher duty shall be laid on goods, imported from that country, than on the same articles from any other country. The motion to strike out the section was opposed by Mr. Tod, and, without taking the question—

On motion of Mr. Storrs, the Committee rose.

On motion of Mr. Baylies, the memorials of sundry inhabitants of Kentucky and New Bedford, in Massachusetts, praying for an increase of duty on imported tallow, were ordered to be printed.

On motion of Mr. Webster, the memorials of the tallow chandlers and soap boilers of Boston, remonstrating against an increase of the duty on imported tallow, were ordered to be printed.

The House then adjourned till Monday next.

Monday, March 8.

Mr. Burleigh presented a memorial of sundry merchants of the district of Kennebunk, in the State of Maine, praying to be paid for losses sustained by spoliations upon their lawful commerce by French cruisers, between the years 1793 and 1800; their claims on France having been relinquished by the Convention of 1800; or that their rights and remedies against France may be restored to them.—Referred.

Mr. Breck presented a memorial of the Pennsylvania Society for promoting the abolition of slavery, for the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race, praying Congress to adopt measures for the total abolition of slavery within the District of Columbia—Referred.

Mr. Kent presented a remonstrance of sundry inhabitants of the city of Washington, against the alterations in the form of government of the District of Columbia, as proposed by the bill now pending in this House, to provide for the government of said District.

Mr. Mercer presented a similar remonstrance from inhabitants of the town and county of Alexandria.

Mr. Kent also presented resolutions adopted by the magistrates, sitting as a Levy Court, for the county of Alexandria, in said District, disapprobatory of the change proposed to be made in the government of said District.

Ordered, That the said remonstrances be committed to the Committee of the whole House to which the said bill is committed.

Mr. Call presented a petition of sundry inhabitants of East Florida, praying that a tribunal may be established by Congress to determine the right to certain negroes claimed by Indians; which was referred to the Committee on Indian Affairs.

Mr. Van Rensselaer presented a petition of Charles Augustus Dale, in behalf the heirs of Robert Fulton, deceased, stating that a decision, given at the term of the Supreme Court of the United States, now sitting in the city of Washington, has entirely destroyed all the right of property which the heirs and representatives of the said Fulton possessed in the invention and application of the power of steam to propel boats or vessels; that his heirs are now destitute of the means of support; and praying such relief in the premises as to Congress may seem equitable and just; which petition was referred to the Committee of Ways and Means.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill for the relief of George Fisher; which was read twice, and committed to a Committee of the Whole.

Mr. LIVINGSTON, from the select committee appointed on the petition of sundry aliens, (by leave of the House,) reported, in part, a bill respecting aliens; which was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, who were instructed to inquire into the expediency of authorizing the President of the United States to direct sales to be made, from time to time, of such arms, ammunition, and military stores, as are not wanted, or are unfit for public service, made a report, accompanied by a bill, to authorize the sale of unserviceable ordnance, arms, and military stores; which bill was read twice, and ordered to lie on the table.

The SPEAKER laid before the House a report from the Secretary of the Treasury, communicating the information required by a resolution of this House, of the 12th ultimo, in relation to lands purchased on behalf of the United States; which report was laid on the table.

On motion of Mr. COCKE, the Committee of Ways and Means were instructed to inquire into the expediency of amending an act, entitled "An act to provide for the prompt settlement of public accounts," approved the 3d of March. 1817, so as to reduce the number of auditors, or accounting officers of the Government.

On motion of Mr. COCKE, the Committee on the Judiciary were instructed to inquire into the expediency of prohibiting, by law, the employment of any person, except a citizen of the United States, in any of the Departments of the Government.

On motion of Mr BURTON, the Committee on Commerce were instructed to inquire into the expediency of erecting a buoy at the mouth of Scuppernong river, in Albemarle Sound; and, also, a floating light on the long shoal in Pamptico Sound.

On motion of Mr. TRACY, a committee was appointed to inquire what further legislative provisions are fit and necessary to carry into effect the provisions of the act of Congress, passed March 3, 1817, entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed, while in the military service of the United States, and for other purposes," passed the 9th of April, 1816, and that said committee have leave to report by bill or otherwise. Mr. TRACY, Mr. HAYDEN, Mr. MARVIN, Mr. LIVINGSTON, Mr. DWIGHT, Mr. NEALE, and Mr. LETCHER, were appointed the committee.

On motion of Mr. MOORE, of Alabama, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation adequate to the repair of the post road leading from Nashville to New Orleans, usually called "the Military Road."

A Message was received from the President of the United States, representing the necessity of an act of Congress to legalize the acts of James Miller, as Governor of the Territory of Arkansas, from the 3d of March, 1822, to 3d January, 1823, he having, through a mistake, acted, during that time, without a re-nomination by the President, and re-appointment by the Senate, (which was remedied as soon as discovered.) Referred to Committee on the Judiciary.

The following bills were received from the Senate, and referred: "An act to change the terms of the district court of the United States for the Kentucky district;" "An act for the relief of the legal representatives of Andrew Mitchell, deceased;" "An act to amend an act, entitled 'an act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia;" "An act authorizing the register of the land office for the western district of Louisiana to report upon certain land claims within the said district;" "An act to enable the holders of French, British, and Spanish titles to lands withtn that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised by the Government of the United States, to institute proceedings to try the validity thereof."

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the bill to amend the several acts laying duties on imports.

And the question being on the resolution submitted on Saturday, by Mr. FORSYTH, to strike out the third section of the bill, which is in the following words:

> "That from and after the thirtieth day of June, one thousand eight hundred and twenty-four, to the duties on all goods, wares, and merchandise, hereinbefore mentioned, or any other, there shall be added, and shall be collected and paid, the full amount of such bounty or premium, or allowance in nature thereof, as, on the exportation of similar articles may be given, paid, or allowed, in the country or place from which the same shall be exported, or in the country or place wherein the same shall be produced or manufactured; which shall be calculated and ascertained under such rules and regulations as the Secretary of the Treasury shall, from time to time, fix and prescribe."

The debate of Saturday was renewed, and continued till past 4 o'clock.

The motion was advocated by Messrs. FORSYTH, RANDOLPH, P. P. BARBOUR, FULLER, BARTLETT, ROSS, MERCER, LIVERMORE, CAMBRELENG, STEVENSON, and FOOT of Connecticut; and opposed by Messrs. CLAY, STEWART, and TOD—the latter two of whom offered amendments, which were not agreed to, and the clause was finally stricken out.

The ground taken by those who spoke in favor of striking out this section of the bill was, that its operation will be a direct infringement of our treaty with Great Britain of 1815. That treaty expressly provides that articles imported into this country from Britain shall be charged with no more duty than those coming from other countries. But as England grants to her exporters a bounty on certain articles on which other countries grant none, and this section proposes to increase in all cases our duty, by the amount of the bounty granted in the country from whence the goods are imported, its operation will, in fact, be to charge such English goods with a higher duty than articles of the same kind brought from elsewhere; and it will therefore break the treaty, and compromit the faith and honor of the nation.

To this it was replied, that the principle of this section being, like that of the rest of the bill, to protect the domestic industry of this country, by preventing the foreign article to be brought into the market at such a price as to destroy our own manufacturer, that object could never be attained, and the whole bill must be rendered nugatory, if a bounty granted by a foreign nation on the exportation of its commodities might not be met by an equivalent duty here. It was well known that England grants bounties for the express purpose of forcing her goods into foreign markets; and if the objection to this section of the bill is held valid, she will still be enabled to do so with respect to this country.

But it is not valid. In that article of the treaty which this section of the bill is said to violate, two objects were intended. The first was to secure a perfect reciprocity between the two nations, with respect to their navigation. Preferences had previously been given, both by France and England, which threatened altogether to deprive America of the carrying trade; which course of things led to the adoption of what has been called the American policy on this subject—a policy which has proved completely triumphant, and has brought both England and France to terms. But this section of the bill leaves this reciprocity untouched, for no difference is made in our duties, whether merchandise is imported in British or in American bottoms.

The second object aimed at, in the article of the treaty alluded to, was to secure to British goods an entrance into our country on as good terms as those of any other nation; nor does this section make any discrimination to their prejudice; its provisions are general, no more directed against the goods of one country than another. It adds the amount of all foreign bounties to the duty on those goods on which the bounty is granted; and if, in consequence of this general measure of self-defence, British goods have more duty to pay than French, it is not the result of *our* legislation, but of *her own*, and when two parties make a contract, no act of one of them is, of itself, to constitute a violation of the contract by the other party.

To this, it was rejoined, that the increase of duty in that case was to be attributed to our act of legislation, and not to that of England, for it was our act that added the amount of her bounty to our duty, and thereby caused her goods to pay more than those of her neighbor, a thing we expressly promised by the treaty not to do. Britain has a right to grant what bounties she will. That is her own affair; a part of her municipal regulations; a thing between her people and her Government. It was we who now interfere, and make her municipal regulations a part of our law, and found duties on them, contrary to the treaty.

As to the policy of meeting her bounties by countervailing duties, it is a question from which we are precluded, because we have already bound ourselves not to tax her goods more than those of others, who grant no bounties. This may be inconvenient, it may have been impolitic; we have done so, and we must abide by our agreement.

A case was put, on the one side, suppose Britain, when this law passes, makes a certain article on which she grants no bounty, and we receive that article at a certain duty, the same as is paid by a French article of the same kind—here she is on an equal footing with France. She afterwards grants a bounty, which raises her duty in our ports. Is that increase to be charged to us? Is it any thing but her own act? Can her subsequent act construe our act into an offence? It was answered, yes, because our act anticipated such a case, and had a prospective reference to it, and is therefore as much chargeable on us as if it had been done after and not before the case occurred. It was said further, that, if this act placed England, with respect to any bountied article, on less favorable terms than France, her remedy was either to repeal her bounty, or to apply to France to lay one; our law had impartial respect to both.

It was replied that these bounties were usually granted to make up for some disadvantage, real or supposed, between the country which granted them and other countries. The bounty, therefore, only placed the two countries on a level as they came to our ports; and if we charged one more than the other, we created an inequality that we did not find; and we did that very thing which, by the treaty, we had engaged not to do.

It was again argued, that, to forbid these countervailing duties, was against the equity of the treaty. Every agreement ought to bind both parties; but granting bounties was an act of one party only, and an act by which she could, at pleasure, affect the interest of the other party, under the treaty. It was answered, that the granting of bounties was an independent right, that existed anterior to the treaty, and was recognised by the treaty—it existed in both parties—it was no novelty in England, having been practised for a century, and before our manufactures had an existence; it was not granted to the manufacturer but to the exporting merchant, to encourage the commerce and extend the navigation of England, and not to destroy our manufacturers. It was rejoined that the *quo animo* with which it might have been done, was of no consequence—its actual operation was to destroy them. The object of the treaty, it was urged, was to do no more than put Britain on an equality with other nations in the admission of her goods to this country—but the striking out of this section would go farther than this, and put her on a better footing than other countries which gave no bounty.

It was answered that the advantage was not derived from us, but from causes unconnected with our system of duties. That we could not equalize nations, except in the duties they paid us, and this we had expressly bound ourselves to do towards Britain, and we must keep our word.

The amendment offered to the section went to give it a prospective operation; but this was opposed, on the ground first taken, that, whether prospective or not, it would be equally our act, and equally a violation of the treaty; the words of which expressly referred to acts which should be passed in future, as well as those which should then be in existence. There were only six bounties now left in England, most of the others having taken the form of drawback. These were granted on beer, cordage, sailcloth, plate, silk, and sugar, and their object was to repay the duty which had been paid on the same articles when imported under a different form.

The section applied but to one of these, viz: that on sailcloth or canvass, (which includes cotton bagging,) and even in relation to this it is useless, as Britain can at once evade it by changing the name of the bounty into a drawback. To bring the case home, it was asked, whether, if the United States should grant a bounty to encourage the manufacture of pot and pearl ashes, we should think that Britain might lay a heavier duty on our pot ashes than on that from Russia?

It was said, on the other side, that bounties, though sometimes given by England to foster navigation, sometimes to promote commerce, and sometimes to equalize natural disadvantages, were, for the most part, intended to force a market for her commodities, in instance of which the bounties on glass and on silk were quoted.

To this it was replied, that, resisting her bounty would not necessarily protect our manufactures; and if it would, some of these bounties were on manufactures which we did not know, and could not, for half a century, possess; such as those of silk and of linens; in relation to which this law would only operate as a bounty to the French and German manufacturers. The answers of the British Board of trade to queries proposed by the Lords of the Treasury, contained an exposé of the British policy in relation to bounty and drawback; and showed they meant to compensate the duty paid on the importation of the raw material, used in the exported article.

The question was taken successively on Mr. STEWART's and Mr. TOD's amendments, and lost.

It was then put on striking out the 3d section of the bill, and carried—ayes 114, noes 66.

And then the Committee rose.

TUESDAY, March 9.

Mr. WHITTLESEY, from the Committee of Claims, made a report on the petition of Landie Richardson, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. FLOYD laid the following resolution on the table, for consideration, on to-morrow, viz:

Resolved, That the President of the United States be requested to cause to be laid before this House the accounts of all the Generals of the Army; likewise, of the Inspectors General, the Adjutant General, the Chiefs of the Engineer and Ordnance Corps, and the Surgeon General, for the two years preceding the 30th of September last; showing the amount of money paid to each, under the different heads of pay proper, brevet pay, rations, single and double, fuel, straw, quarters, transportation, and all other extra and contingent allowances, as well as the amount paid for rations, pay, and clothes for servants.

Mr. COCKE laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to lay before the House the names of all the officers of the Army, who have been brevetted, stating their lineal rank and brevet rank, when brevetted, and the amount of money paid to each, on account of his brevet rank, and when paid.

Mr. SIBLEY moved the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing on the pension roll, under such restrictions as those who served nine months, that class of soldiers of the Army of the United States who served in the war of the Revolution eight months, commencing in the Spring of the year seventeen hundred and seventy-five, who are, or hereafter may, by reason of reduced circumstances in life, be in need of assistance from their country for support.

The resolution was read, and disagreed to by the House.

Mr. BRECK submitted the following joint resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to procure from Rembrandt Peale, of Philadelphia, a portrait of WASHINGTON, to be placed in the Capitol: *Provided*, the same can be obtained for a sum not exceeding —— dollars.

The resolution was read the first time.

Ordered, That the bill to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes, be recommitted to the Committee on the Judiciary; and that the report from the Secretary of the Treasury, received yesterday, in relation to lands purchased on behalf of the United States, be also referred to the same committee.

GENERAL APPROPRIATION BILL.

The House resolved itself into a Committee of the Whole on the bill making appropriations for the support of Government, for the year 1824.

A desultory debate on several of the items of this bill occupied the House till past the usual hour of adjournment.

The blank in the eighth line, for compensation to the Senators and Members of the House of Representatives, their officers and attendants, &c.,

was filled with the sum of $265,140. That in the tenth and eleventh lines, with "19th January."

In the fourteenth line, for the "contingent expenses of the two Houses of Congress," the word "sixty" was substituted for "fifty-eight," and an item of $3,000 was added to the bill to provide for extra services in the Land Office, (in the employment of clerks to fill up military land warrants, twenty thousand of which are in arrear, some for purchases made seven years since.)

Several attempts were made to amend different items of appropriation, which, after much desultory discussion, were not successful.

The members who engaged in the debate, or rather in the multiplied inquiries and explanations which necessarily arise on a bill of this description, were Mr. McLane, Chairman of the Committee of Ways and Means, who introduced the bill, Messrs. Cocke, Trimble, Taylor, S. Wood, Forsyth, Rankin, Cook, Little, Wright, Dwight, Cobb, Foot, of Connecticut, Tucker, and Sibley.

The items which occasioned the most discussion were, the additional aid in the Land Office, the salary of a clerk for the Attorney General, (whose existence became a matter of inquiry,) that of a reporter for the Supreme Court, the clause for extra clerk hire, newspapers, and books, in the Department of State, and that for the erection of a courthouse in Charleston, South Carolina, for the courts of the United States.

Having proceeded in the bill as far as this last item, the Committee rose, and the House adjourned.

Wednesday, March 10.

Mr. Rich, from the Committee of Claims, made a report on the petition of David Cooper, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. Hamilton, from the Committee on Military Affairs, to which the subject had been referred, reported a bill concerning the distribution of arms to the militia, accompanied by a detailed report; which bill was read twice, and committed to a Committee of the Whole.

The joint resolution offered yesterday by Mr. Breck, (in relation to Peale's portrait of Washington,) was read a second time, and referred to a Committee of the Whole.

The resolutions yesterday offered by Messrs. Floyd and Cocke, (in relation to the brevetted officers in the Army,) were agreed to.

Mr. Sloane, by leave of the House, presented a memorial of the General Assembly of the State of Ohio, upon the subject of the lands set apart in that State for the support of schools; which was referred to the Committee on Public Lands.

GENERAL APPROPRIATION BILL.

The House then went into Committee of the Whole, (Mr. Campbell, of Ohio, in the Chair,) on the bill "making appropriations for the support of Government for the year 1824."

Mr. McLane, of Delaware, withdrew the amendment offered by him yesterday, respecting the court room of the United States, in Charleston, in order that the entire subject of providing accommodations for the United States' courts in the several States might be submitted to the Committee on the Judiciary.

On motion of Mr. Taylor, of New York, the 298th, 299th, and 300th lines of the bill, which are in the words following: "For erecting the eastern portico of the Capitol, and completing the interior of the building, one hundred thousand dollars," were stricken out, and, on motion of Mr. Cushman, (Chairman of the Committee on Public Buildings,) the following was substituted:

For continuing the work on the centre building, eighty-six thousand dollars.

For alterations and repairs in the room occupied by the Supreme Court, six hundred and forty dollars.

For improving the Capitol square, and painting the railings around the same, eleven hundred and sixty dollars.

For making a foot-way in front of the public grounds, and open spaces between the Capitol and Navy Office, five thousand dollars.

For finishing the north portico to the President's House, twenty-six thousand dollars.

An item was added, after the 307th line, in the words following: "For sick, and disabled, and destitute seamen in foreign countries, forty thousand dollars."

The 314th and 315th lines, were altered to read thus: "for salaries of the Ministers of the United States to London, Paris, St. Petersburg, and Madrid, from the 3d March to 4th November, 1823, and also for the Chargés des Affaires at Stockholm, and the Hague, sixty-seven thousand five hundred dollars."

The item for building a north portico to the President's House, and that for the construction of a graveled walk in front of the public grounds, met with considerable opposition.

Mr. Forsyth also opposed that item which makes appropriation for the payment of the salaries of some of our foreign Ministers, on the ground that the number of Ministers was unnecessarily great, as Chargés des Affaires might be substituted for some of them without detriment to the public service and with a saving of the public money, and we should thereby avoid the sacrifice of self-respect now arising from our sending Ministers Plenipotentiary to Powers who send no Ministers of the same grade to represent them at this Government—of which number were our Ministers to Spain and Portugal; and he moved to strike out that clause of the bill until farther information could be obtained, as to the necessity or expediency of such Ministers being sent where they were not, or continued where they were.

After a protracted debate on the subject, the question was taken on Mr. Forsyth's motion, and lost—ayes 51, noes 75.

He then moved to strike out the word "Lima," in the list of the Ministers to South America. The debate was renewed on this motion, but, before the question was taken, the Committee rose.

The members, who took part in this day's debate, were Messrs. McLane, Cocke, Cushman, Taylor, Sharpe, Ten Eyck, Mercer, Gazlay, Whipple, Forsyth, McCoy, Cook, S. Wood, and Livingston.

Thursday, March 11.

Mr. Rankin, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act authorizing the register of the land office, for the western district of the State of Louisiana, to report upon certain land claims within said district, reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, to whom the subject was referred, reported a bill to alter the judicial districts of Virginia, and for other purposes; which was read twice, and committed to a Commitee of the Whole to-morrow.

Mr. Allen, of Massachusetts, submitted the following joint resolution:

Resolved, That the President of the Senate and Speaker of the House of Representatives be authorized to close this session, by adjournment of their respective Houses, on —— the —— day of April next.

The resolution was read, and ordered to lie on the table.

On motion of Mr. McLane, of Delaware, the Committee on the Judiciary were instructed to inquire into the expediency of making suitable provision for the accommodation of the courts of the United States at Charleston, in South Carolina; and in the several States of the Union.

On motion of Mr. Livingston, the Committee on the Public Lands were instructed to inquire into the expediency of vesting in the corporation of the city of New Orleans, all the right of the United States to the streets, squares, and roads, in the city of New Orleans; and also to all the lands lying within the limits of the city, which, by the original plan thereof, was left vacant between the houses and lots fronting the levee and the river.

On motion of Mr. Livingston, the Committee on the Judiciary were instructed to examine and report whether it is expedient to provide by law for making the system of practice in the courts of the United States in the district of Louisiana conformable to that of the State courts in that State.

The Committee of the Whole House to which is committed the joint resolution authorizing the purchase of Peale's portrait of General Washington, were discharged from the consideration thereof, and it was referred to a select committee; and Messrs. Breck, Udree, Mercer, Sibley, McDuffie, Metcalfe, and McArthur, were appointed the said committee.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: An act regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States; An act for the gradual supply of cannon, bombs, howitz, shot, shells, and materials for carriages, for the fortifications, and other purposes; An act to authorize the employing of certain assistants in the General Land Office; An act for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Lindsey; An act for the relief of Sarah Venable and Jane Morgan; in which bills they ask the concurrence of this House.

Mr. Stewart called up the resolution formerly offered by him, in relation to a change of the hour of adjournment, from twelve to eleven o'clock.

On considering this question, the yeas and nays were called for, and were—yeas 99 nays 57.

The House having agreed to consider it, a debate arose, in which Messrs. Stewart, Campbell, of Ohio, Cook, and Tracy advocated, and Messrs. Whipple, Mercer, Williams, of North Carolina, and Stevenson, opposed its adoption.

Before any question was taken, the hour elapsed, and the debate was superseded by the orders of the day.

GENERAL APPROPRIATION BILL.

On motion of Mr. McLane, the House then resolved itself into a Committee of the Whole, on the bill making provision for the support of Government for the year 1824; and the question still being on the motion of Mr. Forsyth, to strike out the word *Lima*, in that section of the bill which provides the means of sending Ministers to the Republics of South America, the debate of yesterday was renewed, and became, in some degree, extended to the consideration of our general relations with the South American States.

The motion to strike out was advocated by Messrs. Forsyth, Taylor, McLane, Trimble, Floyd, and Mallary, and opposed by Messrs. Wickliffe, Storrs, Buchanan, Livingston, Fuller, and McKim.

Messrs. Bartlett, Sibley, and Foot, of Connecticut, also spoke, but only for the purpose of asking or of communicating facts, and not directly taking part in the debate.

The motion to strike out the name of *Lima* was advocated on the ground that the appointment of a resident Minister at that place was unnecessary, as a Chargé des Affaires or a Consul might answer every purpose. A Chargé des Affaires had been appointed last year, and no change had since occurred to render a Minister necessary; that we have no evidence that the Government of Peru does, or ever has, desired the residence of a Minister from this Government; that it cannot be of any service to the interests of Peru; that, when the Republic of Colombia solicited a recognition of her independence and sent a Minister here, we kept him waiting for years in the galleries of this House, without so much as admitting him to set a foot in the lobby, and that, too, even after the independence of Colombia was fully ascertained. But the independence of Peru was not, to this hour, officially recognised, if, indeed, it were fully established—and no Minister had been sent from that Government here. That before Ministers had been sent to Buenos Ayres, Chili, or any other of the South American Governments, the independence of those Governments had not only been achieved, but had stood some test of time. But Peru was lately in the power of a Dictator, and it is even now said, that her capital is in the possession of hostile troops. At all events, the appropriation called for in this bill is unnecessary, because there is already a balance from former appropriations, fully adequate to meet the expense of this mission. The appropriation is more than needless, it is improper; inasmuch as it has the aspect of a measure stimulating the Executive to this mission. He has the subject entirely within his discretion; and the prudence with which he has heretofore employed discretionary authority, in respect to our foreign relations, entitles him to the unreserved confidence of this House. The resolve formerly passed by Congress, pledging its support to the President, in sundry missions to such of the South American Governments as should succeed in establishing their independence, was in general terms, and did not specify any Government in particular. Why should we depart from that course, in relation to Peru, a Government whose independence had never yet been recognised? As her situation is different from that of the four other Governments enumerated in this clause, she can have no good cause to be offended that no Minister is sent to her, while Ministers are sent to them. And, if a Minister's presence should at any time be requisite, it would be easy to send one of the others to Peru, for a limited time. This has been done in the case of several of our Ministers at the Courts of Europe.

The motion was opposed on the consideration that we have already a large commercial intercourse with Peru (and shall have more) which is subjected to many embarrassments, and to considerable risk, from the want of a suitable representative of this Government there; cargoes are consigned to native merchants—are seized on slight pretences, and even our navy officers have had to turn negotiators to preserve them from confiscation. This commerce is sometimes very profitable, a large market exists for our home manufactures and our flour, (the latter article sometimes bringing twenty-five and thirty-six dollars a barrel.) If we send a Minister to the other four Governments, and not to Lima, what will be the appearance of such a line of conduct in the eyes of Europe? It will be inferred that we do not intend to recognise Peru. This was especially to be avoided at this moment, lest it should be said, that while no dangers threaten we could make a gasconading acknowledgment of the independence of the South American States; but, so soon as one of them was menaced with attack, we were glad to avail ourselves of the fact of not having formally acknowledged its independence to turn about and retrace our steps. We ought not only to do nothing to encourage such an idea, but we ought to put it down by measures which could not be misunderstood. The independence of Peru was not doubtful, and, though we have not recognised her individual independence, yet the act of 1822 took the general ground which covers her case. If we strike Lima from this bill, and Peru should afterwards be attacked by the Holy Alliance, how can we say any thing to those Powers in opposition to the most tyrannical acts against her? The declaration of the President in his last Message has been echoed from every American heart, and has produced a great sensation in Europe. Shall we not act in the spirit of that Message? Shall we stand on etiquette with an infant republic just passed through the last agony in struggling for her independence? We do not, by retaining Lima, hasten or stimulate the Executive; but only give what, in the report of the Secretary of State, he has applied to us to provide; and thus redeem to him the pledge we gave in 1822. Though no resident Minister may be necessary, none but a Minister Plenipotentiary can conclude a treaty, and our commercial interests require that a treaty shall be entered into as soon as practicable, lest commercial rivals anticipate us, and obtain for themselves advantages and privileges to our exclusion or injury. But higher considerations point to the same policy. Republican government is lost in Europe, save in one free country—it is struggling successfully in the Southern Hemisphere of our own continent. It is time that we formed an American spirit. The political principles of our own Government called on us to establish the interests of freedom in other Governments, and to sanction and confirm the representative principle wherever it is acted on—especially near home.

As to there being a balance already in the hands of the Department of State—if so, why are we furnished with estimates, and why was this item introduced into the bill of appropriations? and, if it is not expended, the money will only return into the Treasury. So far from our having no need of a Minister in Peru, we need one more there than in Chili, or almost any other part of South America.

As to etiquette, in only sending a Minister where we have first received one, all nations, as such, are equal, and one party must begin. There is a magnanimity in waiving considerations of this sort toward Governments just struggling into independence. If we stand on ceremony, let it be with the old and the strong Governments of the European world. Etiquette is a very doubtful principle of action for a free Republic; and it is to be hoped it will never stand in the way of a just, wise, and generous policy.

The Committee rose on motion of Mr. Brent, at half past 4 o'clock.

Friday, March 12.

Mr. McCoy, from the Committee of Claims, made a report on the case of Peter Yendes, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLane, of Delaware, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act for the relief of the legal representatives of Andrew Mitchell, deceased," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. Cook, from the Committee on the Public Lands, reported a bill for the relief of Jacques Myotte, Francois Charpenkie, and Jean Baptiste Laducier; which was read twice, and committed to a Committee of the Whole.

The resolution offered on a former day, by Mr. Stewart, for altering the hour of adjournment to 11 o'clock, having been taken up, Mr. Findlay moved to take the question on it by yeas and nays; but the House refused, twenty-six rising in favor of it, and then the question was put on the resolution, and decided in the negative—ayes 65, noes 73.

Mr. Floyd laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the thirty-first rule of this House be expunged.

The said thirty-first rule is as follows:

"A motion to adjourn shall be always in order after four o'clock, p. m., but, before that hour, it shall not be in order, if there be, at the time, any question pending before the House; that, and the motion to lie on the table shall be decided without debate."

A bill from the Senate, "for the relief of Sarah Venable and Jane Morgan," was twice read, and referred to the Committee on Military Affairs.

A bill from the Senate, "for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Linsey," was twice read, and referred.

A bill from the Senate, "to authorize the employment of certain assistant draughtsmen in the General Land Office," was twice read, and referred to the Committee on Public Lands.

A bill from the Senate, "for the gradual supply of cannon, bombs, howitz, shot, shells, and materials for the fortifications, and other purposes," was twice read, and referred to the Committee on Military Affairs.

A bill from the Senate, "regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States," was twice read, and committed to the Committee on Naval Affairs.

On motion of Mr. Longfellow, the Committee on the Judiciary were instructed to inquire into the expediency of removing the courts of the United States, which are now holden at Wiscasset, in the State of Maine, to Portland, in the same State.

Mr. Rankin laid the following resolution on the table for consideration to-morrow:

Resolved, That the Secretary of the Treasury be directed to inform this House, at the next session of Congress, whether the number of land offices in the United States may not be diminished, by consolidating the land districts, or otherwise, without any injury to the public interest, or material inconvenience to individuals; and that he report such a plan for the location of the land offices, and reorganization of the land districts, as will better promote the public interest, than the present location and organization of the same; with such information as to the receipts and expenditures of the offices, severally, as may enable Congress to decide on the propriety of discontinuing any office.

On motion of Mr. Spaight, the Committee on Commerce were instructed to inquire into the expediency of erecting a lighthouse on Shell Castle island, in Pamptico sound.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Amasa Stetson;" also, a bill, entitled "An act for the relief of Dean Weymouth;" in which bills they ask the concurrence of this House.

GENERAL APPROPRIATION BILL.

The House then went into Committee of the Whole, Mr. Campbell in the Chair, on the bill making appropriations for the support of Government for the year 1824.

And, the question being on the following amendment, offered by Mr. Storrs—"for the support of such missions as have been, or may, hereafter, be sent to the independent Governments of South America, the sum of $36,000, in addition to the unexpended balance of the sum of $100,000, heretofore appropriated for that purpose:"

Mr. Forsyth moved to strike out the 317th, 318th, and 319th lines, and insert "for the salaries of the Ministers or Chargés des Affaires of the United States, who may be appointed to the Continent of America, $36,000."

The Chair pronounced the motion not in order—when Mr. Storrs withdrew that previously offered by him, and Mr. Forsyth explained the alteration he proposed.

The question being put, it was decided in the affirmative—ayes 113.

Mr. McLane moved to fill the blank, in the 323d line, by inserting $18,000, (for salaries of the several Secretaries of Legation;) agreed to.

Mr. Cocke objected to the item making provision for "Agents of Claims at London or Paris," and called for information, which was given by the Chairman of the Committee of Ways and Means.

A similar objection was made to the item providing for "expenses of the commission under the first article of the Treaty of Ghent." Mr. McLane explained.

Mr. A. Stevenson offered, as an amendment to the bill, the insertion of the following item:

After line 329; insert "for compensation to an Agent, (to be appointed by the President,) on the part of the United States, to collect, arrange, and lay before the Commissioners, under the convention relating to the slaves carried away, in contravention of the first article of the Treaty of Ghent, the evidence of the claims, which have been, or may be, transmitted by the claimants, $2,000.

Mr. Stevenson supported this amendment by an explanation of the facts of the case, and laid before the House a letter from Mr. Cheves, one of the Commissioners under the Treaty, written in reply to another addressed to him by Mr. Stevenson.

The amendment gave rise to a debate, which occupied the House for more than an hour. It was supported by Messrs. P. P. Barbour, Bassett, Tucker, Foot of Connecticut, Bailey, McDuffie, Mercer, and Ingham, and opposed by Messrs. Forsyth, McCoy, McLane, Webster, Randolph, and Wickliffe.

It was supported on the ground that the treaty having directed the Commissioners to receive such evidence respecting the losses of American citizens as should, under the direction of the President, be laid before them, and it being requisite that very considerable investigation should be had before the number and average value of the slaves lost could be ascertained, this officer was to be considered as an agent, not of the claimants, but of the Government, in obtaining information which the President was to lay before the Commissioners; he had thus far performed his duty with diligence, and greatly to the advantage of those interested; his services were still necesssary; the claimants had been led to calculate on the continuance of those services—and to drop this officer now would be seriously injurious to them, and look like a want of good faith in the Government towards its citizens; the salary was moderate; the person thus employed was not to be a permanent officer; he was merely such an agent as the President had a right to employ.

The grounds of objection were, that such an officer was not needed, or if he were, as his employment was solely for the benefit of the claimants interested, they ought to pay him; that when a proposal was made to employ an agent of claims under the Florida treaty, Congress refused to appoint one; that the claimants ought to have the choice of their own agent; and if they should choose one and Congress appoint another, there might be collision; that the number of slaves lost was not very great; that it could be matter of no such great difficulty to settle the average value; this agent had already been employed a whole year, time enough, surely, to collect the necessary facts, and if continued much longer his salary would cost more than the slaves. That it was an improper mode of legislation to create offices by an appropriation bill; this officer was not responsible—the law made his salary sure, and he might sit down at his own house and do nothing, and it must be paid.

Mr. Tucker suggested an amendment to the amendment, by inserting after the word President, "by and with the consent of the Senate." Mr. Stevenson accepted of this as a modification of his motion; and the question being taken on the amendment thus modified, it was decided in the negative—yeas 67, nays 108.

On motion of Mr. McLane, the word "fourth," in the 330th line, was stricken out. The item, thus amended, will read:

> "For expenses of carrying into effect the sixth and seventh articles of the Treaty of Ghent, including the compensation of the commissioners, agents, and surveyors, and their contingent expenses, sixteen thousand dollars."

Mr. Cocke moved to strike out this entire item in the bill. The motion was not agreed to.

On motion of Mr. McLane, an additional item was inserted, granting thirty thousand dollars for the expenses of intercourse with the Barbary Powers.

Mr. McLane moved the following amendment: "for the services of an artificer in the Patent Office $500;" but, after considerable discussion, the amendment was for the present withdrawn.

Mr. McLane moved the following—

> "For compensation for extra clerks employed in the General Post Office, during the last year, $939 25;" which was agreed to.

Mr. McLane moved the following items, which were agreed to:

> "For compensation of nine members of the Legislative Council of the Michigan Territory, at $2 each per day, for sixty days, $1,080."
>
> "For the contingent expenses of the Legislative Council, including the printing of the laws of said Territory, $1,200.
>
> "For the salaries of the secretaries of the land commissioners of East and West Florida, at $1,250 each, $2,500."

Mr. McLane moved the following—

> "For the completion of the medals voted by Congress to certain General Officers, to purchase gold for the medals, and to replace General Macomb's medal, $2,350."

The item was agreed to.

Mr. Cocke moved the following, to come in after the second section:

> "And provided also, That no person receiving an annual salary from the Government of the United States, shall receive any thing in addition thereto, for any services whatever, by way of perquisites or extra compensation, except fees of office, which may be established by law."

The amendment was agreed to.

Mr. F. Johnson moved to strike out the 334th and 335th lines, viz: "For contingent expenses of foreign intercourse, $40,000." This motion, after considerable discussion, was not agreed to.

Mr. Henry moved the following amendment at the end of the 294th line:

> "For removing obstructions to the navigation of the Ohio river, from Pittsburg to its mouth, and for removing obstructions to the navigation of the Mississippi, from St. Louis to New Orleans, $75,000."

Upon submitting the amendment, Mr. Henry remarked, that it involved a question of immense importance to a large portion of our population—to all the inhabitants of the extensive region beyond the Alleghany mountain, whose interests were vitally affected by the existing impediments to the navigation of the Ohio and Mississippi rivers. He felt it to be his duty, however, on every occasion, to pursue a candid policy. He would not disguise the fact, that a bill had been already reported by him, from the Committee on Roads and Canals, which had for its object the removal of those obstructions, but, owing to the lateness of the period at which it was reported, he was apprehensive that it could not be regularly reached during the session, and had, therefore, thought proper to introduce the proposition in the present shape.

Mr. McLANE, of Delaware, hoped that, as there was a bill already reported having in view the same object, the gentleman from Kentucky would withdraw his amendment, and not embarrass the present bill by a discussion which might continue several days. That he had no doubt the gentleman would have an opportunity of calling up his bill before the end of the session.

Mr. CLAY (Speaker) expressed his hope that his colleague would withdraw his amendment. He admitted that the course was not unusual; that, in an appropriation bill at a former session, at *his* instance, a similar provision had been introduced for a nearly similar purpose. But he hoped that, if the amendment was withdrawn, the House would feel disposed to indulge a spirit of liberality towards the bill which had been reported upon this subject, and would permit his colleague to call it up at a period as early as possible.

Mr. HENRY remarked, that he could assure the gentleman from Delaware that he was not disposed to embarrass the progress of the present bill. That he felt a deep solicitude to relieve the people of the West from the obstacles, the removal of which was contemplated; that he was fearful the bill reported *by him* might not be reached in time to be sufficiently acted upon during the session, and had been advised by several grave and experienced statesmen to present the question in the shape of an amendment to the present bill. He could not, however, resist the solicitations of the gentleman from Delaware and his colleague, (the Speaker,) and he would withdraw his proposed amendment, with the hope that the House would be disposed to indulge him with an early consideration of the bill "to improve the navigation of the Ohio and Mississippi rivers."

Mr. BASSETT, of Virginia, said, lest the gentleman from Kentucky might take silence for consent, and suppose that the House meant to pledge itself to give him the indulgence alluded to, he for one would say, that he would give no such pledge—that he was opposed to the measure, and he felt no disposition to extend the indulgence solicited.

Mr. McLANE rose to assure the gentleman from Kentucky that he felt a disposition friendly to the improvement of the navigation of those rivers, and felt disposed to grant the indulgence at as early a period as possible.

Mr. HENRY.—One word in reply to the gentleman from Virginia. I thank him for his candor, and hope he is entirely singular in his disposition.

The Committee then rose, and reported the bill as amended; and the House adjourned.

SATURDAY, March 13.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, made a report on so much of the petition of David Beard, as relates to the loss of merchandise brought to the United States from Canada, in 1812, after the commencement of the late war with Great Britain, accompanied by a bill for the relief of said Beard; which was read twice, and committed to a Committee of the Whole.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to whom was referred a Message from the President upon the subject, reported a bill confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes; which was read twice, and committed to a Committee of the Whole.

The resolution yesterday offered by Mr. RANKIN (respecting land districts and land offices) was taken up, and agreed to.

The bill from the Senate, entitled "An act for the relief of Amasa Stetson," was read twice, and referred to the Committee of Claims.

The bill from the Senate, entitled "An act for the relief of Dean Weymouth," was read twice, and referred to the Committee on Pensions and Revolutionary Claims.

NAVY HOSPITAL FUND.

The SPEAKER laid before the House a report from the Commissioners of Navy Hospitals, made in obedience to a resolution of this House of the 20th of January last; which was read, and referred to the Committee on Naval Affairs. The report is as follows:

NAVY DEPARTMENT, *March* 16, 1824.

SIR: In answer to the resolution of the House of Representatives of the 20th January, "That the Commissioners of the Navy Hospitals be directed to report to this House the amount of the sums which they have received and expended by virtue of the act, entitled "An act establishing Navy Hospitals;" the balance remaining in their hands on the 31st of December, 1823, designating the sum which has been 'absorbed in the pay of the Navy, and which is due to the Hospital Fund,' and what measures they have adopted to carry into effect the provisions of said act," we have the honor to enclose a copy of a letter from the Fourth Auditor of the Treasury, with a statement of the accounts in the Auditor's Office, showing the receipts and disbursements of said fund up to the 31st of December, 1823.

The law separating the Naval from the Marine Hospital Found was passed on the 26th February, 1811. On that day a balance of $3,782 86, standing to the credit of the Marine Hospital Fund, was carried to the credit of the Naval Hospital Fund. This sum, with the deductions authorized by law, from the pay of the officers, seamen, and marines, constitutes the whole of the Navy Hospital Fund. These deductions have been regularly made whenever the officers, seamen, and marines, have received their pay, and the sums so deducted have been left in the "pay of the Navy," which is of course responsible for them. They were not, in the first instance, drawn from the "pay of the Navy," at the times in which they accrued, in consequence of the war which succeeded the passage of the law, and were left in the same situation for several years afterwards.

By the report made on the 29th of October, 1823, it appears that the balance to the credit of the fund at that time was $117,074 34; since which the deductions from the pay of the officers, seamen, and marines, and for which the "pay of the Navy" is responsible, have amounted to $2,638 61, making the Navy Hospital Fund, on the 31st December, 1823, amount to $119,712 95, exclusive of the amount which has been under the control of the commissioners.

After the establishment of the fund in February, 1811, and before the 30th of September, 1821, the expenditures by the commissioners amounted to $10,652 85; since that time there has been drawn and placed in the hands of the Treasurer of the United States, subject to the orders of the commissioners, $43,335 87; and, in September, 1823, $18,000 were paid for a site for a naval hospital near the navy yard at Charlestown, Massachusetts. These three sums added together make $71,988 72, which, added to the sum of $119,712 95, for which the "pay of the navy" is responsible, makes $191,701 67, being the whole amount of money which has accrued to the fund since its establishment.

From this statement it will be perceived that the only funds which the commissioners can immediately control for the objects of the law, are those in the hands of the Treasurer, viz: $43,335 87. The debt due from the "pay of the Navy" can only be paid as balances of the appropriations for that object shall remain at the end of the year; and as these appropriations are founded upon estimates calculated with great care and accuracy, and are barely adequate to accomplish their object, it is manifest that it will be a long time before the fund is repaid, and the commissioners will have the control of all the means which properly belong to it.

The delay will greatly postpone the accomplishment of the benevolent purposes of the law creating the fund, and do injustice to those who have contributed to it, and who, by the delay, will be deprived of its benefits.

With a view to avoid the difficulties which have heretofore existed on this subject, an order has been given to the Fourth Auditor of the Treasury to make out, at the end of each quarter, from the returns of the disbursing officers, a statement of all moneys accruing to the Navy Hospital fund during the quarter, and give a regular certificate of the amount, that a warrant may be issued for the same in favor of the agent of the fund. By this means it will, at the end of each quarter, receive all the money to which it is entitled, and the "pay of the Navy" will not become any further indebted to it.

In September, 1823, the commissioners purchased a site for a hospital adjoining the navy yard at Charlestown, Massachusetts, for which they paid $18,000, and have made a contract for another site near the navy yard at Brooklyn. These are all the "measures they have adopted to carry into effect the provisions of the act." Respectfully, &c.

WILLIAM H. CRAWFORD.
J. C. CALHOUN,
SAMUEL L. SOUTHARD.

Hon. Speaker *of the House of Rep's.*

Treasury Department,
Fourth Auditor's Office, Jan. 26, 1824.

Sir: In obedience to the request contained in your letter of the 21st instant, enclosing a resolution of the House of Representatives relative to the "Naval Hospital Fund," I have the honor to report:

That, from the 26th February, 1811, to the 31st December, 1823, there has been passed to the credit of the said fund on the books of this office, and those of the Accountant of the Navy, the sum of $187,918 81

To which must be added a balance standing to the credit of the "Marine Hospital Fund" on the 26th February, 1811, and carried to the credit of the "Naval Hospital Fund" - - -		3,782 86
		$191,701 67
From this sum is to be deducted the amount of expenditures to 30th September, 1821 - -	$10,652 85	
Moneys drawn and placed in the hands of the Treasurer of the United States - - -	43,335 87	
Moneys drawn in September, 1823, for the payment of land purchased for a naval hospital site at Boston - - -	18,000 00	71,988 72
		$119,712 95

Leaving a balance to the credit of the "Naval Hospital Fund" on the books of this office, on the 31st December, 1823, of one hundred and nineteen thousand seven hundred and twelve dollars and ninety-five cents, the whole of which has been absorbed in the "pay of the Navy," and for which the appropriation for that object is responsible.

I have the honor to be, sir, &c.

CONSTANT FREEMAN, *Auditor.*

Hon. S. L. Southard *Sec'ry Navy.*

RULES OF THE HOUSE.

The resolution yesterday offered by Mr. Lloyd (for expunging the 31st rule of the House, which is in the words following: "A motion to adjourn 'shall be always in order if after four o'clock p. 'm.; but, before that hour, it shall not be in order, 'if there be at the time any question pending be'fore the House; that, and the motion to lie on 'the table, shall be decided without debate,") was taken up for consideration.

A desultory debate arose on this question, in which Messrs. Floyd, Taylor, of New York, Rich, Stewart, Whipple, Little, Allen, of Massachusetts, McCoy, Kremer, Culpeper, Randolph, McArthur, and Martindale, took part.

The amendment, on motion of Messrs. Little and McCoy, was successively amended, so as to retain those clauses of it which declare that the motion to adjourn, and the motion to lie on the table, shall be decided without debate. On striking out the residue of the rule, which forbids a motion to adjourn being made until four o'clock, while any question is pending before the House, the yeas and nays were called by Mr. Taylor, and are as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Brent, Buck, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Cocke, Collins, Conner, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Eaton, Eddy, Edwards of Pennsylvania, Edwards of

North Carolina, Floyd, Foot of Connecticut, Forsyth, Frost, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayden, Hayward, Herrick, Hobart, Hooks, Jennings, F. Johnson, Lathrop, Leftwich, Litchfield, Livermore, Livingston, Locke, McCoy, McDuffie, McKee, McLane of Delaware, Mangum, Mallary, Moore of Alabama, Morgan, Nelson, Newton, Plumer of New Hampshire, Poinsett, Prince, Randolph, Rankin, Reed, Reynolds, Richards, Rives, Rose, Saunders, Sandford, Scott, Sharpe, Sibley, Alexander Smith, William Smith, Spaight, A. Stevenson, J. Stephenson, Ten Eyck, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Van Rensselaer, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—95.

NAYS—Messrs. Adams, Barbour of Connecticut, Bassett, Beecher, Blair, Breck, Brown, Buchanan, Buckner, Burleigh, Campbell of Ohio, Cassedy, Condict, Cook, Crafts, Craig, Crowninshield, Dwight, Ellis, Farrelly, Findlay, Foote of New York, Forward, Fuller, Garrison, Gatlin, Gazlay, Harris, Henry, Herkimer, Hogeboom, Holcombe, Ingham, Isacks, Jenkins, J. T. Johnson, Kent, Kidder, Kremer, Lawrence, Lincoln, Little, Long, Longfellow, McArthur, McKean, McKim, McLean of Ohio, Markley, Martindale, Marvin, Matlack, Matson, Mercer, Mitchell of Pennsylvania, Moore of Kentucky, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Rich, Rogers, Ross, Sloane, Arthur Smith, Standefer, Stewart, Storrs, Strong, Swan, Taylor, Thompson of Kentucky, Tod, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Vinton, Wayne, Whipple, Whittlesey, White, Wickliffe, Henry Wilson, Wilson of Ohio, Wood, and Wright—89.

The said thirty-first rule, as thus amended, is as follows:

"A motion to adjourn shall be always in order; that motion, and the motion to lay on the table, shall be decided without debate."

GENERAL APPROPRIATION BILL.

The report of the Committee of the Whole, on the bill making appropriations for the support of Government for the year 1824, was taken up, and the amendments agreed to in Committee were in part agreed to.

The question being on concurring in the appropriation of $25,000 for the north portico of the President's house—

Mr. CUSHMAN, of Maine, addressed the House to the following effect:

Mr. Speaker: I hope the article under consideration will be retained in the bill; and I appeal to the good sense and patriotism of the House for support; nor do I despair of assistance from gentlemen in whose nature the principles of economy seem to be deeply *radicated*. It appears from statements already made, that the portico, to erect which, the appropriation is required, is a part of the original plan of the house built for the use of our Presidents. It is to be presumed that the edifice, at some period of our Republic, is to be finished. The present, on various accounts, appears to be the proper time to carry on the work to completion. Our country is at peace with all the world, and, rich in resources, can command ample funds; the materials for building are cheap; the price of labor is low; the Treasury is in a condition to afford the expenditure; and there seems to be a laudable spirit to countenance economy, and to protect domestic industry; and on the principles of economy, and for the benefit of industry, among other reasons, I urge the appropriation. If adequate sums should be granted, the public edifices, in the course of two years, will be brought to such perfection, that the skill and superintendence of the architects may be dispensed with, together with the principal artificers, and most of the workmen; and hereby a great saving of expense will be made to the nation. These considerations address themselves with great force to our passion for economy; and, if we consult its true maxims, we shall certainly grant the appropriation. But there are other reasons. The portico, when completed, will be not merely an ornamental, but a useful appendage.

The house of the President resembles, in some respects, a city set on a hill—it cannot be hid. It becomes the dignified resort of citizens and strangers; the attractive point of all official characters, both of the United States and of foreign Governments. Here, also, are to be seen, on suitable occasions, brilliant assemblages of both sexes—a bright constellation of beauty and accomplishments. If it be asked, For what purpose? The answer is, to smooth the asperities of human nature; to harmonize what is harsh or discordant in the mind; to refine the social affections; to interchange civilities; to pay respect to the Chief Magistrate of the nation and his family; to relieve the *State-worn* patriot from the monotonous scene of business; to cherish a virtuous emulation, and to foster good feelings.

And do not reason and propriety require that the convenience and elegance of the mansion should be adapted to the station and dignity of the occupant, and to the respectability, refinement, and delicacy, of his guests? Ought not every circumstance and appurtenance conspire to give pleasure, and to make a favorable impression of our national character and taste? But, sir, what is the fact? Need I remind you of the serious inconveniences to be encountered on an inclement evening, in descending from the carriage, or returning from the saloon? If the healthy and robust of our sex have nothing to fear from the cold and dampening snows, the drenching rains, the piercing winds, or the noxious vapors, are these elemental annoyances attended with no ill effects to the *fairer* and more *delicate* portion of our race? Must they be debarred the social pleasures of life, the interviews of friendship, or be obliged to enjoy them at the expense of their health and safety? Shall I, Mr. Speaker, be more explicit? It were useless, before such an assembly as this. I know your urbanity. I duly appreciate the gallant spirit of this House. To these I appeal, in behalf of those, to accommodate whom, the generous gladly labor, and for whose protection the brave as cheerfully expose themselves to hardships, to sufferings, and wounds.

There are, however, other strong inducements. I ask, in the language of the Roman orator, but not with the same views, "*Quam rempublicam habemus? In qua urbe vivimus?*" Is it not the Republic which owes its existence to the wisdom and valor of our sages and heroes? Is it not the city which bears the proud name of WASHINGTON? And are we not emulous to give suitable dignity to the one, and appropriate decorations to the other? The Capitol, in which we exert our talents and display our eloquence for the common defence and general welfare, stands on an eminence which overlooks a vast extent of country. As far as the eye can extend its vision, the rural scenery around borders on the sublime and beautiful; and, to me, it seems that this site, and landscape, and the objects presented to view, invite us, with a powerful, though silent, eloquence, to give to the metropolis of our nation correspondent magnificence and beauty.

The proud oppressors of the earth, at different periods of time, have erected cities to their own fame, and adorned them with spoils of conquered nations. Not so is it with the city of Washington. The people of the United States, prompted by motives which do honor to the Republican character, decreed it, and are rearing it up to perpetuate the name of the Father of his Country. As long as our Republic shall remain, it will be a standing monument to his glory.

And will it not be gratifying to the best feelings of patriotism, and become a noble excitement to emulation, to behold the stately structures corresponding to the greatness of his achievements, reflecting the splendor of his talents and the munificence of his virtues. But, in all things, Mr. Speaker, I would observe the golden mean. I am no advocate for extravagant expense, empty parade, and useless ostentation. I only aim at simple grandeur. But I certainly entertain the opinion that, of all governments, a republic ought to appear with sober pomp and modest splendor. Not the dazzling radiance of a throne is here reflected; but the mild lustre, the serene majesty, of the sovereign people.

Whatever be the intrinsic excellence of an individual, it not unfrequently happens, that, for the want of a certain decorum, a bland manner, or an ingratiating deportment, his superior endowments are of diminished utility to himself and to his fellow-men. "Dead flies cause the ointment of the apothecary to send forth an unsavory perfume; so doth a little folly him who is in reputation for wisdom and honor." It is the same with government. For the want of a smooth and attractive exterior, by which the harsh features of power are softened, it, alienates public opinion, and loses somewhat of its authority to promote the public good. Hence, the wisdom of giving to our Republic, and all appurtenant, those graceful decorations, which, by the law of our nature, conciliate attachment and engage esteem.

In the course of my reading, I have somewhere met with an observation of this import—"Great men first make the government, and then the government makes great men." Certain it is, that our Government was founded by men preeminently great. And it is equally true that they endowed it with the capacity to produce their own likeness. "My heart's desire, and even prayer to God," is, that this native tendency, or inherent capacity, may never be counteracted or impaired by a short-sighted, narrow-minded, heart-sickening, energy-destroying policy. I have no sympathies in common with those politicians, on whatever part of the globe they may dwell, who are for waging an exterminating war with all that is decorous and ornamental in society; whose policy, whatever be their motive, tends to replunge the civilized world into the depths of Gothic ignorance and grossness, and, Vandal-like, to involve the lofty column, the magnificent dome, the superb structures, the proud monuments of art, the boast and glory of refined ages, together with the works of genius and taste, in one indiscriminate ruin. It is the office of the statesman not to pull down, but to build up; not to deteriorate, but to improve his country. And the genuine patriot, in the work of amelioration and embellishment, will feel the generous ardor, the noble enthusiasm, of the poet who paints for eternity. Our Republic is not destined to crawl on the ground, and feed on dust, like the serpent. It is now erect, and in the image of its creators. Its genius, like theirs, is elevated and noble. The American Eagle is capable of a flight as lofty, and, in the cause of liberty and humanity, far more glorious, than the Roman. This emblem of our greatness already appears with healing under her wings, which, in due time, I trust, will be benignly extended over all oppressed nations.

Mr. McArthur, of Ohio, rose in reply. He should not attempt, he said, to follow the gentleman from Maine, in all the windings of the learned speech he had just delivered. For himself, he was a backwoodsman, brought up in tents and camps, and not practised in making fine speeches; but he thought it was sufficiently plain that this portico was not a matter of any necessity, and had better be dispensed with. He believed, according to appearances, that we should be at no loss in finding a tenant for the House without more repairs. The building was now complete, and, in his judgment, better without the portico than with it. The portico, which had just been completed, was, he believed, but little used, if at all. He did not, to be sure, profess to be very intimate at the President's house, but he had frequently passed it, and never yet saw the south portico occupied, or used in any way. As to the difficulty of getting there in bad weather, there is no compulsion which obliges us to visit the President's house while the weather is bad, or, at least, to take the fair ladies there of whom the gentleman had spoken. He could not but consider the proposed item of appropriation as a useless expense, especially when we recollect that the nation has a debt yet hanging over it of ninety millions of dollars. As to the magnificence of this Hall and the Capitol, to which the gentleman had alluded, the expenditure to produce it was, in a great measure, money thrown away. This Hall, as a place for speaking, was nearly useless—it was merely by accident that any thing could be heard at his seat that was read from the Clerk's table—members voted in the dark—and might be voting away the public money without knowing it, for the want of distinctly hearing the resolutions read at the Clerk's table. Government would yet have to abandon it, and build a plain square room, where members could hear what each other said. He, therefore, thought that the style of this Hall ought to be no guide in erecting our public buildings; and he hoped never to see it followed. He called for the yeas and nays on agreeing to the appropriation.

Mr. KREMER, of Pennsylvania, said he had no interest in this portico, and he could not vote in favor of it. He was one of those who went upon the old Republican principles; he had started in '98 on those principles, and he meant to adhere to them. He could not see any valuable end to be answered by adding another portico to the President's house, unless, indeed, it was to make a monument of what the gentleman called "simple grandeur." Perhaps the gentleman might think this Hall, too, was a monument of "simple grandeur"—but, for his part, Mr. K. said, he thought it was a monument of pride and extravagance, and not of old Republican principles. He could not undertake to answer the gentleman's fine speech; to him, a great part of it was unintelligible; and, in reply to some quotations he had made in it, from a dead language, he should answer in his own mother German tongue: *Ich habe es nicht verstanden.** He did not believe that any man had a right to entail debt upon posterity. Congress, to be sure, had the power to do so, but they could not do it on any moral principle. And, before we set about making monuments of "simple grandeur" we had better be sure that we have the money to make them in our pocket. He did not think Congress had a right even to put up a *necessary* building, till we were able to pay for it—[a laugh, and a call to order.] As to this portico, it was, in his opinion, as unnecessary as a fifth wheel to a wagon. The gentleman, to be sure, had made a long speech about it, and it might be oratory, for aught he knew, but it certainly had nothing of solid reasoning it.

Mr. HOGEBOOM, of New York, rose for the purpose of obtaining information from the Chairman of the Committee on the Public Buildings, (Mr. CUSHMAN,) whether much expense had already been incurred in preparing materials for the proposed portico. He did not consider the building of this portico as a matter very necessary, but if much expense had been gone into to provide for it, it might, perhaps be better to go on with it; if not, he thought the money might be much better applied to repairing the injuries in the wall which surrounds the enclosure of the President's house, and in smoothing away some of the precipices in the bank within it, which are now so unsightly.

Mr. SHARPE, of New York, made a farther inquiry about some stone which were dressed, and lay in front of the Capitol.

Mr. CUSHMAN explained.

When the question was taken on the appropriation, and decided in the negative—yeas 65, nays 115, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allison, Archer, J. S. Barbour, Bartlett, Breck, Brent, Brown, Burton, Cambreleng, Campbell of South Carolina, Cobb, Cook, Crowninshield, Cushman, Durfee, Dwinell, Dwight, Ellis, Farrelly, Forsyth, Fuller, Govan, Gurley, Hamilton, Hayward, Kent, Lincoln, Longfellow, McDuffie, McKee, McKim, McLane of Delaware, Markley, Martindale, Mercer, Miller, Moore of Alabama, Morgan, Nelson, Newton, Plumer of New Hampshire, Poinsett, Reed, Reynolds, Rives, Rose, Saunders, Sharpe, Stoddard, Strong, Taylor, Ten Eyck, Tod, Tracy, Tucker of Virginia, Vance of North Carolina, Van Rensselaer, Wayne, Whipple, Whitman, Wood, and Wright.

NAYS—Messrs. Alexander of Tennessee, Allen of Tennessee, Baylies, Barber of Connecticut, P. P. Barbour, Bassett, Beecher, Blair, Buchanan, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Carter, Cary, Clark, Cocke, Collins, Condict, Conner, Crafts, Craig, Culpeper, Cuthbert, Day, Edwards of Pennsylvania, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Foote of New York, Frost, Garrison, Gatlin, Gazlay, Gist, Hall, Harris, Hayden, Henry, Herrick, Hogeboom, Hooks, Houston, Ingham, Isacks, Jennings, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Leftwich, Letcher, Litchfield, Livermore, Livingston, Long, McArthur, McCoy, McKean, McLean of Ohio, Mangum, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Randolph, Rankin, Richards, Rich, Rogers, Ross, Sandford, Scott, Sibley, Sloane, Arthur Smith, Alexander Smyth, William Smith, Spaight, Standefer, A. Stevenson, J. Stevenson, Swan, Thompson of Georgia, Thompson of Kentucky, Tomlinson, Trimble, Tucker of South Carolina, Tyson, Udree, Vance of Ohio, Vinton, Webster, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio.

On the item of appropriation for public walks in front of the lots and ground belonging to the United States, in the city of Washington, $5,000, a debate arose of a somewhat desultory character.

Mr. COCKE, of Tennessee, said, that when he looked at the appropriations proposed, and heard the gentlemen from Maine support them by telling us that we have an overflowing Treasury, it put him in mind of a boy who had received from his papa a supply of pocket money; he thinks it will never be gone, and is engaged only in contriving ways in which he can spend it. We have, to be sure, said Mr. C., got some money now in the Treasury; but do we forget that whatever we forbear spending out of it will go toward defraying our public debt? or do not gentlemen remember that, next year, there will be twenty-six millions of that debt to be paid? If we squander away our resources as soon as they come into the Treasury, we shall bequeath to our posterity a large debt, which ought to have been paid by ourselves, and which we ought to be paying, now, in a time of profound peace. To give away our money, to make foot-paths for the people of Washington, is not the way to do this, nor are these fine gravel walks at all necessary. We are told, to be sure, by the gentleman from Maine, who deals so much in gallantry, that he is afraid the ladies may muddy their toes in coming up to the Capitol to hear the members make speeches. But, for his part, Mr. C. said, he thought the present walks were quite sufficient for all useful purposes.

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* I did'nt understand the gentleman.

Mr. Kremer thought with the gentleman from Tennessee. He had, for one, found no difficulty whatever in going about the city, or in getting up to the House; and, if ladies do muddy their toes, why let them e'en stay at home, and not come crowding the galleries of this House. For his part, the travelling was convenient enough for him—he found no difficulty from the mud. Nothing in life was, in his opinion, valuable, but as it was useful. The nation wants money, and how do gentlemen propose to get it? By loans? No. By direct taxes? Not at all. But by transfer, the most iniquitous of all modes of paying debts. Look at England. It was not long since her debt was only a small sum, and now it was grown to the enormous amount of upwards of a thousand millions of pounds sterling; and so heavy was her load of taxes that land in that country would not fetch half its value. This course was beginning to be pursued here; nay, it had been pursued, and that too long already.

Mr. Cocke called for the reading of an act relating to the proceeds of the sales of public lots in Washington; and it was read accordingly.

Mr. Taylor, of New York, thought that this act, instead of weighing any thing against the proposed appropriation, rather showed that Congress is bound to make the pavement. There is an unexpended balance of the proceeds of these sales now in the Treasury, and it ought, according to the provisions of this act, to be applied to objects of this description. The act passed two years since, and to which the gentleman from Tennessee had alluded as a proof of our liberality to the citizens of Washington, was merely to change the location of a canal, and, when that is completed, the balance of the proceeds of sales must return into the Treasury, &c.

Mr. Cocke explained. Nearly two millions of dollars had arisen from the sales of public property in this city, and what had become of it was not easy to tell, unless it had been divided among the citizens of Washington. Only $18,000 of it, he believed, ever reached the Treasury; and that has no sooner got in than we have a plan to draw it out again.

Mr. Cushman replied to Mr. Cocke. He had not said, we have an "overflowing Treasury." There were, he believed, about six millions in the Treasury, and the sum he proposed to draw from it, for the portico, was only $26,000, which would not make any great hole in it. As to what had fallen from the gentleman in relation to his speech, he did not profess to deal in wit, and therefore he should not attempt to answer it. He was a plain man, and aimed only at speaking common sense. In relation to the particular item now under consideration, he said he thought the citizens of Washington had expended much, both of money and labor, to improve their city and to accommodate the members of Congress; and, as they had to make these walks in front of their own property, it was fit that Government should do as much for property which belonged to the public.

Mr. Buck, of Vermont, wished to know whether the $18,000 referred to as proceeds of sales, is still in the hands of the Commissioner, or has been paid into the Treasury; in the former case, let the Commissioner apply it at once to this object; in the latter we must put an appropriation for it into the bill. The object of the appropriation now under consideration, Mr. B. thought, was a proper one.

Mr. Taylor called for the reading of a statement from "Burch's Digest," showing how the moneys from the sale of public property in Washington had been applied. [The statement was read; from which it appears that the money has been expended in building the Capitol, &c.]

Mr. Mercer, of Virginia, agreed with the gentleman from Vermont, (Mr. Buck,) that the whole question was, whether the money still remained in the hands of the Commissioner, or a special appropriation was necessary. This, the gentleman from Tennessee (Mr. Cocke) had not told the House. Mr. M. also suggested that the charter, granted to the city, ought to be examined, to see how far Congress has bound itself to improve the ground in front of public property. It still holds, he believed, five thousand lots in the city, the extent of whose fronts would probably amount to thirty miles. Mr. M. entirely coincided in the sentiment of the honorable gentleman from Maine, that there was not the least ground of complaint against the inhabitants of Washington—they were not his constituents—he had no more interest in them than other gentlemen; but he sympathized with them, from the bottom of his soul, in the burdens they had to sustain, and he thought they had shown an enterprise in improving the city, highly honorable to their character, and entitling them to the consideration of Congress, their only guardians.

The question was then taken on this item of appropriation, and it was carried in the affirmative—yeas 94, nays 49.

On the clause introduced by Mr. Cocke, which provides, that no person receiving an annual salary from the United States shall receive any thing in addition thereto for any service whatever, by way of perquisite or extra compensation, except fees of office established by law, a debate arose, which occasionally grew very warm.

On the suggestion of Mr. Forsyth, of Georgia, the proviso was modified by the addition of the word "official," so as to make it read "for any official service," &c.

Mr. Cook, of Illinois, was of opinion that the proviso, as modified, was a bad one, and, without the modification, a very bad one. If he understood its operation, it would be to prevent any person holding an office, such, for instance, as a Governor of a Territory, from being temporarily employed to discharge any other function to which emolument was attached—such, for example, as negotiating an Indian treaty—although that person might, of all others, be the best fitted to discharge that duty.

Mr. Forsyth replied, in explanation, that the proviso would not have this operation. It applied only to the receiving of extra pay or perquisites for the discharge of duties which belong to the very office held, and not to those of another office.

Mr. Cook thought it would be found to bear on a part of the system now sanctioned for the compensation of the officers of the Navy, and to some of those of the Army also.

Mr. Cocke explained, that it could touch none of those persons, as they did not receive "an annual salary," but monthly pay and perquisites, and even those latter were all regulated by law.

Mr. Cook rejoined.—He still thought it would prevent the temporary employment of salaried persons in the discharge of other duties, unless they would consent to perform the duty for nothing.

Mr. Cocke thought it was strange that the member from Illinois should be so zealous on this subject, when he had formerly been equally zealous in opposing a measure of the kind he now advocates, in relation to the investigation of the affairs of certain land offices in his own State.

Mr. Cook repelled the insinuation.—The member from Tennessee talked, as usual, about what he did not understand—but he had been in the habit of doing this so frequently, that the House had given him a sort of prescriptive right to speak about matters of which he was ignorant. Yet the member ought not to mislead the House on points of facts which he did understand. [Mr. Cook then explained the circumstances to which the gentleman from Tennessee had alluded, and defied and invited scrutiny.] He insisted that the proviso could be productive of no economy; for, as these extra duties must be performed by somebody, and that somebody must be paid for performing them, all that this proviso would do, would be to tie the hands of the President from employing the most suitable person to perform them, because such person might happen to enjoy an annual salary, for something else, not incompatible in its nature.

Mr. Cocke replied, and declared that his only object, and the only effect of the proviso would be to cut off perquisites, which rested on custom and not on law, from certain salaried officers who now received them. By this he believed the public good would be promoted, which was his sole inducement in offering the amendment.

Mr. Foot, of Connecticut, understanding that the gentleman meant to exclude extra pay only when given for duties properly belonging to the office of the person who performed them, offered an amendment to make the proviso read in the words following: "for any official duties whatsoever, appertaining to the office for which said salary shall be received."

Mr. Buck thought that nothing would be gained by the proviso. It would only prevent clerks in the offices from being employed *out of office hours* in duties to which, of all other persons, they were most competent, but which it would be unreasonable to expect them to perform without extra allowance. If the proviso was adopted, these duties must be given to somebody else to do, not, probably, half so well acquainted with the performance of them. It has besides a squinting towards restricting the powers of the President in the proper discharge of his duty.

Mr. Gazlay, of Ohio, wishing better to understand the proviso and its operation, moved to lay the bill on the table, and to order the amendment to be printed.

This motion was not agreed to.

Mr. Tracy, of New York, apprehended that the mover of the amendment was hardly aware of the extent to which its terms would operate. No doubt there existed some abuses, which it might remove; but, before he, for one, could consent to its adoption, he must have a clearer knowledge of the cases to which it would apply. It appeared to him to be too crude—it embraced too much, and was too indefinitely worded, to be adopted in its present shape. There are certain allowances to some of the officers, both of the Army and Navy, he believed, which, having been sanctioned by usage, form a part of their support, and did form a part of it when they accepted their commissions, but which probably have never been expressly sanctioned by law. He would not say whether these ought all to continue, but it was very possible that many of them were right and proper. At all events, he wanted a fuller view of the facts before he was prepared to legislate upon the subject.

Mr. Cocke explained.—the proviso was not intended to touch the proper emoluments of either the Army or Navy. It might reach the case of certain Generals, who, besides their annual salary, received rations, quarters, &c., not sanctioned by any law. It would reach the case of the Attorney General, who, whenever he performed any duty out of court, and at his own lodgings, must have extra fees, &c. He was sure that his friend from New York, who had rendered him such important aid on a former occasion, in preventing defaulters from receiving their salaries till their accounts were adjusted, would, if he rightly understood the present proviso, give it his hearty support.*

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* *To the Editors of the National Intelligencer:*

The Intelligencer of this morning contains a debate in the House of Representatives, on a clause proposed by Mr. Cocke, of Tennessee, to be introduced into the appropriation bill, and providing that no person receiving an annual salary from the United States, shall receive any thing in addition thereto, for any service whatever, by way of perquisite, or extra compensation, except fees of office, established by law. On the suggestion of Mr. Forsyth, the proviso was modified by the addition of the word *official,* so as to make it read, "No person receiving an annual salary from the United States, shall receive any thing in addition thereto, for any *official* services." In the course of the debate, Mr. Cocke is reported to have said, among other things, that "this proviso would reach the case of the Attorney General, who, whenever he performed any duty out of court, and at his own lodgings, must have extra fees," &c. The remark, taken in connexion with the subject-matter, is calculated to make the

Mr. Tracy replied, that he had supported the former measure, and was happy in perceiving that its adoption had led to beneficial consequences. But, he was not prepared to strip salaried persons of all that part of their income which was derived from perquisites and extra pay for extra duty, without investigation, and without giving them some permanent equivalent.

The question was then put on the amendment to the proviso which had been moved by Mr. Foot, and it was negatived.

Mr. Whipple, of New Hampshire, suggested that the object of the gentleman from Tennessee might be accomplished without adding the proviso to this bill, as a bill was shortly to come from the Senate on the subject.

After a few words from Mr. Cocke in reply—

The question was taken on adopting the proviso as modified, and carried—ayes 76, noes 68.

The next amendment was an appropriation of $16,000 for carrying into effect the first and seventh articles of the Treaty of Ghent; which was adopted.

The question then being on the amendment of the committee to the item respecting our Ministers and Chargês des Affaires at foreign Courts—

Mr. Gazlay moved further to amend the item by striking out the words "Madrid" and "Lisbon."

While this motion was under discussion, the House adjourned.

Monday, March 15.

Mr. Herrick, presented a petition of John White, a Revolutionary pensioner, praying to be allowed arrearages of pension.

Mr. Tomlinson presented a petition of sundry owners and masters of vessels, in the State of Connecticut, praying that buoys may be placed on a reef of rocks in Long Island Sound, called the "Hen and Chickens."—Referred.

Mr. McLane, of Delaware, presented a memorial of the Commissioners of the town of Newcastle, in that State, praying for the aid of the General Government in erecting additional piers in the harbor of said town.—Referred.

Mr. McLane, of Delaware, from the Committee of Ways and Means, reported a bill authorizing the employment of additional clerks and certain messengers and assistants, and other persons, in the several Departments, which was read twice, and committed to a Committee of the Whole.

Mr. McLane, from the same committee, made a report on the petition of Mary H. Hawkins, accompanied by a bill for her relief; which was read twice, and committed to a Committee of the Whole.

Mr. Webster, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to change the terms of the district court of the United States for the Kentucky district," reported the same without amendment, and it was ordered to be read the third time to-morrow.

Mr. Williams, of North Carolina, from the Committee of Claims, made a report on the petition of Thomas L. Ogden, and others, accompanied by a bill for their relief; which was read twice and committed to a Committee of the Whole.

On motion of Mr. Cook, the Committee on Public Lands were instructed to inquire into the expediency of allowing Matthew Duncan to change his location of the southwest quarter of section No. 22, in township No. 9, south of range No. 4 west, to some other quarter section, it having been located through mistake.

On motion of Mr. Gurley, the Committee on Military Affairs were instructed to inquire into the expediency of providing, by law, for removing the obstructions to the navigation of the river Iberville, in the State of Louisiana, placed in said river during the late war, by order of the Commanding General of the Southern division of the Army of the United States.

On motion of Mr. Jennings, the Committee on Roads and Canals were instructed to inquire into the expediency of aiding the State of Indiana to open a canal at the falls of the Ohio, in conformity to an act of the General Assembly of said State, approved January 31st, 1824.

Mr. Cocke offered the following resolution:

"*Resolved*, That the Committee on Post Offices and Post Roads be instructed to inquire and report whether any arrangements can be made by which the letters addressed to the members of Congress while in session can be supplied at an earlier hour, and at a less expense."

Mr. Brent moved the following amendment, which was accepted as a modification: "And whether the privilege given to members of Congress to frank letters ought not to be extended." And the question being put, the resolution, as modified, was adopted—ayes 72, nays 56.

Mr. Rankin laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House if any of the Commissioners appointed for the examination of titles and

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impression, that, whenever the Attorney General performed any official duty out of court, and at his own lodgings, he must have *extra* fees. This could scarcely have been the sense of the speaker: because, in this sense, the remark is incorrect. The present Attorney General never did receive an *extra* fee for any official duty, in court, out of court, at his lodgings, in his office, or any where else. For the performance of all his official duties, his sole compensation has been the salary of his office. He has, on a very few occasions, (four, only, are remembered, in the course of the six and a half years during which he has been in office,) been employed by the Government to render professional services, wholly out of the line of his official duties; and, for these, he has been compensated as any other professional gentleman, who might have been employed by the Government to render the same services, would have been compensated. But he has never received an extra fee for any official duty whatever, or wheresoever performed; and, consequently, the proviso does not reach the case of the Attorney General, nor has it the most distant bearing on any part of his conduct.

Washington, *Tuesday, March* 16, 1824.

claims to land in the Territory of Florida, have received, in advance, any part of the compensation allowed by law for the performance of the duties required of them, previously to the performance of those duties, or without having performed any service for such advance; and, if any such advances have been made, that he be requested to state, under the provisions of what law they were so made, with the amount, the time when, and to whom advanced; but, if advanced without any law authorizing the same, that a copy of any order or authority, if any there be, by virtue of which any sum of money may have been drawn from the Treasury of the United States, be furnished this House.

Mr. Owen moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of the district of Alabama.

The resolution was read, and disagreed to by the House.

Mr. Stewart moved the following resolution:

Resolved, That the committee on the Chesapeake and Ohio canal be instructed to inquire into the expediency of providing for the sale of the public lots and public lands belonging to the United States, in the District of Columbia, and that the proceeds be appropriated to the first section of the Chesapeake and Ohio canal, between this city and Cumberland.

TONNAGE DUTIES, &c.

Mr. Breck offered the following resolution for consideration:

Resolved, That the Committee of Commerce be instructed to report to this House whether any law exists in contravention of the provisions of the convention of the 3d July, 1815, made between this country and Great Britain; also, to inquire into the expediency of countervailing by law any duties on American tonnage, which Great Britain may lay thereon contrary to the stipulations contained in the aforesaid convention.

In offering this resolution, Mr. Breck stated that it had a twofold object; first, to inquire whether we had been to blame in contravening the provisions of the convention between this country and Great Britain; and, secondly, whether it would not be expedient to countervail, by law, any tonnage duty that may be laid contrary to treaty by England. It appeared, by the proceedings of the Imperial Parliament, that, so late as the 13th of February, resolutions were passed in the House of Commons, authorizing the British King to levy ninety-four cents per ton on American ships trading to his European dominions, and sixty cents per ton on our ships going to the West India colonies. The duty of ninety-four cents, Mr. B. thought, was at variance with the following stipulation, contained in the convention:

> "No higher or other duties or charges shall be imposed in any of the ports of the United States, on British vessels, than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States, than shall be payable in the same ports on British vessels."

The convention contains no stipulation forbidding our Government's countervailing all tonnage or other duty levied in the colonies. It is believed that a duty equivalent to one dollar per ton has been raised from our tonnage since the West India trade has been open to our commerce; and this has been, in part, countervailed by us. But this we are perfectly at liberty to do, for it is a colonial concern, not incorporated into the convention. Not so on ships coming from Great Britain. Here we are restricted by a positive treaty stipulation; and if any duty on such trade has been laid, it is entirely contrary to law, because a treaty is the supreme law of the land. If no such duty has been exacted at our custom-houses, it will be proper to countervail immediately, by special act, any duty that Great Britain may impose upon our European trade. The tax of ninety-four cents on our commerce, with the single port of Liverpool, will amount, on 136,000 tons of American shipping that entered that port alone in 1823, to one hundred and twenty-eight thousand six hundred dollars; and, upon our trade to other British European ports, to about seventy thousand dollars; making an additional charge upon our commerce of more than $200,000! As the resolution is only for inquiry, Mr. B. trusted that it would be sent to the Committee of Commerce.

Mr. Newton and Mr. Cambreleng made some remarks in opposition to the resolution, as believing the inquiry unnecessary; and Mr. Mallary and Mr. Trimble, taking the contrary ground, made some observations in favor of it.

Finally, on motion of Mr. Foot, the resolution was ordered to lie on the table.

GENERAL APPROPRIATION BILL.

The House then passed to the orders of the day, and took up for consideration the bill making provision for the support of Government for the year 1824.

Mr. Gazlay withdrew the amendment offered by him on Saturday, and the question being on concurring in the amendment as reported by the committee—

Mr. Gazlay said, he hoped the House would not concur, and, if it did not, he should then move to amend the bill, by inserting a proviso to appropriate $49,000, as a sum adequate to the maintenance of European foreign relations. Mr. G. said, the practice of more than twenty years has been to provide, generally, for foreign intercourse, without designating the places of Ministers. This had obtained through the tide of successful and unsuccessful experiment, and he saw no good reason to change it. He was not prepared for the doctrine, that, whenever, and as often as the President might choose to appoint a Minister to the Court of any despot in Europe, this House was bound to echo the appointment; and, as often as an appointment should be made by taking a member from the Senate—a principle not surely agreeable to the people—that we should do the same; he thought the safest way was, to leave each department to bear the responsibility of its own Constitutional discretion. The long practice which gave sanction to the course he proposed, was, to his mind, a sufficient proof of its correctness.

He wished the sum reduced for two reasons, viz: because he believed that there were many national objects to which it could be more advantageously appropriated; and, because he saw no good reason for maintaining Ministers of the first grade at the Courts of all the despots in Europe, when there was no national object for them to accomplish. Mr. G. said, he had always understood that foreign Ministers were intended for the making of treaties, or for settling some great national question; and, as we had neither of these now on hand, with the great crowned heads, he must presume that ours had no other design than the maintenance of a system of espionage; and, although this might do well enough for one tyrant to watch another, he thought it totally inadmissible for a great republic. What have we now, said Mr. G., to do in Europe to justify the number and expense of foreign Ministers? and how many great objects have we which demand all our resources? Mr. G. said, he did not believe that this course had, or would meet the wishes of the American people, and he could not reconcile it with any sound principle of democracy.

Mr. McLane advocated the amendment of the committee, and replied to Mr. Gazlay. The question being put, the amendment was adopted, as reported by the Committee of the Whole.

The remaining amendments having been, also, concurred in, the bill was ordered to be engrossed for a third reading, and was subsequently read a third time, passed, and sent to the Senate for concurrence.

THE TARIFF BILL.

On motion of Mr. Tod, the House then went into Committee of the Whole on the state of the Union, (Mr. Condict in the Chair,) and resumed the consideration of the bill for amending the several acts laying duties on imports.

Mr. Baylies, of Massachusetts, moved to amend the bill by striking out the word "one" and inserting "three," in the 65th and 66th lines, so as to make that clause of the section read as follows:

> "On all Leghorn hats or bonnets, and all hats or bonnets of straw, chip, or grass, and on all flats, braids, or plats, for making of hats or bonnets, a duty of fifteen per centum ad valorem: *Provided*, That all Leghorn hats and bonnets, and all hats or bonnets of straw, chip, or grass, which, at the place whence imported, with the addition of ten per centum, shall have cost less than three dollars each, shall, with such addition, be taken and deemed to have cost three dollars, each, and shall be charged with duty accordingly."

Mr. Baylies supported this motion by a speech, in which he stated the benefits that would result, and gave a succinct history of this branch of manufacture, in this country, from its earliest origin till it had grown to an annual amount of a million and a half of dollars. He stated the manner in which it had been ruined by the importation of Leghorn bonnets, to the amount last year of $800,000.

The motion was further advocated by Mr. Rich, and opposed by Messrs. Cambreleng, Sharpe, Marvin, and Floyd. And the question being put, it was lost.

Mr. Cook, of Illinois, moved to amend the 82d line, by striking out "two," and inserting "three," so as to make it read "On lead, in pigs, bars, or sheets, three cents per pound." And he supported the motion in a speech of considerable length. It was opposed by Messrs. Sharpe and Cambreleng, of New York—advocated by Mr. Stewart, of Pennsylvania, and further opposed by Mr. Sandford, of Tennessee, to whom Mr. Cook replied—when the question being taken, the motion was not agreed to.

Mr. Foot, of Connecticut, moved to amend the bill in the 148th line—"On muskets, one dollar and fifty cents per stand," by adding the words following: "And on all other fire-arms, and on side-arms, thirty per cent. ad valorem." The motion being explained by Mr. Foot, was adopted without opposition.

Mr. McKim then moved to strike out the 177th line, viz: "On tallow, four cents per pound." He supported his motion by a short speech, to which Mr. Tod replied. When, on motion of Mr. Foot, of Connecticut, the Committee rose, and the House adjourned.

Tuesday, March 16.

The Committee on the Judiciary were discharged from the consideration of the petition of Thomas Collins, as, also, from the petition of the Pennsylvania Society for promoting the abolition of slavery, for the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race; and they were laid on the table; also, from the consideration of the petition of sundry inhabitants of East Florida, upon the subject of negroes claimed by Indians; and it was referred to the Secretary of War.

Mr. Rankin, from the Committee on the Public Lands, who were, on the 31st December last, instructed "to inquire into the title and right of the United States, in and to one township of land, reserved for certain purposes in the contract entered into with John C. Symmes, as mentioned in the laws passed in 1792 and 1803, relating thereto," made a report thereon, which was laid on the table.

Mr. Rankin, from the same committee, to which was referred the petition of John Johnson, Indian agent in the State of Ohio, reported a bill reserving to the Wyandot tribe of Indians, a certain tract of land, in lieu of a reservation made to them by treaty; which was read twice, and committed to a Committee of the Whole.

Mr. Rankin, from the same committee, to which the subject was referred by resolution, on the 10th of February ultimo, reported a bill confirming certain claims to lands in the western district of Louisiana; which was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act to authorize the employing of certain assistants in the General Land Office," reported the same without amendment, and it was ordered to be read a third time to-morrow.

Mr. WHITTLESEY, from the Committee of Claims, made a report on the petition of Solomon Sibley, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Sarah Venable and Jane Morgan," reported the same without amendment, and it was committed to a Committee of the Whole.

The resolution laid on the table by Mr. RANKIN, yesterday, was taken up, considered, and agreed to.

The bill from the Senate, entitled "An act to change the terms of the district court of the United States, for the Kentucky district," was read the third time, and passed.

A Message from the PRESIDENT OF THE UNITED STATES was received and read, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th of February last, requesting "information whether any measures had been taken for carrying into effect the resolution of Congress of June 17, 1777, directing a monument to be erected to the memory of David Wooster, a Brigadier General in the Army of the United States, who fell in defending the liberties of America, and bravely repelling an inroad of the British forces to Danbury in Connecticut," I have caused the necessary inquiries to be made, and find, by the report of the Register of the Treasury, that no monument has been erected to the memory of that patriotic and gallant officer, nor has any money been paid to the Executive of Connecticut on that account.

JAMES MONROE.

MARCH 17, 1824.

The Message was referred to the Committee of Ways and Means.

MR. BAILEY'S CASE.

Mr. SLOANE moved to postpone all the previous orders, and take up the report of the Committee of Elections unfavorable to the right of JOHN BAILEY, a member of this House, to a seat therein. Mr. BAILEY was proceeding with some remarks, but the Chair pronounced all discussion out of order till the question was taken on considering it. It was then taken, and decided in the affirmative—ayes 103, noes 62.

The House accordingly went into Committee of the Whole, (Mr. COBB in the Chair,) on the report above-mentioned. The report of the Committee of Elections was read.

Mr. BAILEY, of Massachusetts, rose and addressed the Chair as follows:

Mr. Chairman: I feel peculiar embarrassment in offering my views of the present subject, from a conviction that I shall be unable to do it justice. Even if my health were perfectly good, I should labor under the disadvantage of being unused—totally unused—to public speaking. This misfortune, joined with a very feeble state of health, renders it impossible that I should do justice to a subject in which I cannot avoid feeling great interest. I hope, therefore, that this Committee will do me the favor to believe my cause really much better than my representation of it will be.

It cannot escape observation that the question now under consideration is not an ordinary instance in the history of contested elections. Nearly all such questions have for their object to ascertain what is the real will of the people. In the present case, the object is to discover if there be any mode of defeating the will of the people.

On this subject, one rule, it is believed, may be laid down with perfect truth. And it is stated with the more confidence, since I have the authority of the chairman of the Committee of Elections for its correctness. In the discussion of a late case, the contested election from New York, which, we all remember, rested mainly on the correctness or incorrectness of the decision of the commissioners of election in that State respecting a single vote, that gentleman remarked that in order to set aside this decision of the commissioners, it was not sufficient to raise a doubt on the case; there must be made out a clear and "positive" case against the decision. This remark, Mr. Chairman, I heard with particular pleasure; both because it was a just remark, and because I hoped that not only that gentleman, but this House, would extend the same just and liberal principle to my own case. The truth of the principle cannot be doubted. And if it applies to the decision of the commissioners of an election, with how much more force does it apply to the expressed will of the people of a whole district? A strong and positive case indeed ought to be made out, before such an expression of the will of the people is set aside. And I undertake to show that the report of the Committee of Elections has entirely failed to make out such a case.

In contested elections, arising under either the General or the State governments, the practice has been to give a liberal construction in favor of the rights of the people. This practice, it is believed, has never been departed from, except in times of great party heat and excitement. In the present times it is trusted that no such excitement will be found to exist. It is not to be denied that efforts have been made, out of doors, both at the time of the election and more recently, to give a party turn to the case now under discussion. But I trust that no such efforts will avail; that this House will permit no such feelings to mingle in the discussion. I appeal with confidence to this House to take that liberal view of the privileges of the people, which has so universally prevailed on questions of this nature.

For the first time, within my knowledge, we have a departure from this liberal construction in the report of the Committee of Elections now before you. The principles of this report are indeed new; they are wholly unprecedented. In no authorities, either legislative or judicial, do we find the principles here avowed. Inhabitancy, according to this report, means purely and simply "locality of existence"—the mere fact of being in a place. This definition, I venture to say, was never before heard of, and is at war with the spirit of all our free institutions.

When I was elected to this House, in September last, I was employed in the Department of State. The question occurred—Shall I resign that employment, and accept a seat in this House? This was an interesting question, to one who depended for his living on his own exertions. In this country nearly all of us are compelled to persue some course of honest industry for our support; and, Mr. Chairman, it is most fortunate for the country that this necessity is so general. To a person thus situated, the question presented for decision was an important one. Doubts I know were entertained of my eligibility. I extended my inquiries to all analogous cases within my reach; and they were all, without exception, in favor of my eligibility. I learnt the opinions of some of our first citizens on this point; and they too went to the same result. I have learnt, accidentally in most cases, the opinions of at least twelve of the very first statesmen and jurists of the nation; and, what is most remarkable, those opinions are perfectly unanimous—not one, of the whole number, is opposed to what appears to me to be the truth of the question. I do not mention this fact, under the impression that such opinions should have a binding force with this House. With this House, and this House alone, the Constitution has left the full control of questions like the present. But the opinions of such persons are entitled to respectful consideration. And it is natural to suppose, that they must have had decided weight with me, when determining in my own mind the question of acceptance.

Before examining the principles of the report of the committee, I beg leave to notice several errors in it, in point of fact.

The report (p. 6–7) says: "It is contended by 'Mr. Bailey, that, as he was in the employ of the 'General Government while in this District, and 'had expressed an intention of returning to Massachusetts, that he still remains an inhabitant of 'that State." I certainly never contended, Mr. Chairman, that I remained an inhabitant of Massachusetts, merely from the two facts here stated. But I did contend for it, from those two facts, supported by another most important fact, that this constant declaration of my intention of returning, was confirmed by my whole course of conduct while I was employed in this District—by my total disconnection with the civil affairs of this place. We all know the irresistible propensity of freemen, to take part in the civil concerns of those communities, in which they intend to make their permanent abode. My entire abstinence from taking such part in this District, most strongly corroborates my uniform declaration, that I intended it as merely a temporary abode.

The report (p. 7) further says: "The fact is 'conceded, that, at the time of the election, and 'for nearly six years before, Mr. Bailey was actually an inhabitant of the City of Washington." The obvious understanding of this remark would be, that this fact had been conceded by me. Such, however, is not the fact. No such concession has ever been made by me.

[Here the Chairman of the Committee of Elections, rose to explain. He said that the committee were obliged to state the points of Mr. B.'s defence from recollection merely, as it had never been put into their hands in writing, but merely read to them. Mr. B. replied, that his defence was read to the committee on the 29th of January, from a rough draught—that he was to have given in a correct draught at the next meeting of the committee, on the fourth of February—but that, in the meantime, on the second of February, he learnt from the committee that they had determined on their report. This fact, together with a desire to incorporate some remarks on several points subsequently suggested by the committee, was the reason why the corrected draught was not submitted to the committee.]

The report (p. 8) also says, that I assumed "the character of the head of a family." This is entirely incorrect, unless there be some peculiar and technical meaning of the phrase, different from its common meaning. I have been accustomed to consider, that a person, in order to be the head of a family, must either own or rent a house—or must have the government of the domestics of the family—or must regulate its pecuniary expenses, or at least furnish the means. Some one, at least, if not all, of these incidents, I have always supposed necessary to constitute the head of a family. Yet not a single one of these incidents has attached to me, during my residence in this District.

These errors in point of fact, in the report before us, I have thought it necessary to notice in the first instance; as they may have had an unfavorable influence on the minds of some members of this House. If they have had such influence with a single member, it is hoped these remarks will correct it.

I will now proceed, Mr. Chairman, to notice some of the points and arguments contained in this very extraordinary report; and will show, not only that many of them are founded in error, but that many are wholly inconsistent with each other.

In the second paragraph of the report, it is stated, that the subject under consideration is "one of great national consequence." This remark could not certainly be intended to apply merely to the individual seat, which is now contested; but must be meant to refer to the general principle involved in the question under discussion. Is the remark correct, even in this respect? Our present National Government has been in operation for thirty-five years. At the end of thirty-five years, one case has occurred, in which a person residing at the Seat of Government has been elected a member of this House. Perhaps in thirty-five years more, another case may occur. Is this an alarming prospect? Is the case one of such "great national consequence?" I will agree with the chairman of the Committee of Elections, that if another case should occur within the next thirty-five years, and we should both have seats on this floor, I will join him in a vote in favor of an amendment of the Constitution, which shall expressly exclude from this House all persons not actually resident in the States in which they are chosen. But I will whisper in the ear of that gentleman, that if he feels alarmed lest the purity of this House should be destroyed, and is anxious for a remedy, there is an amendment which might be made in the Constitution, far more efficacious than the one proposed. Let the Constitution be amended, so as to prohibit Executive appointments from being made from this and the other branch of Congress. If there is real danger of Executive influence in Congress, here is a field more worthy of the gentleman's labor than the one in which he has been industriously engaged.

In the same paragraph, we have an attempt to elucidate the meaning of the word inhabitant, by adverting to the supposed state of the parties in the Convention which framed the Constitution of the Union. It is alleged, that in this Convention there were three parties, zealous in support of their respective favorite theories; one in favor of a consolidated Government, a second in favor of a confederation not differing widely from the old, and a third in favor of an intermediate form. No authorities are cited in support of these alleged historical facts. But suppose the statement perfectly correct—is not the inference from it precisely the reverse of that drawn by the committee? The committee infer, that, since the second party were zealous in "sustaining the distinctive character of the several States," and in limiting the powers of the General Government, therefore, we are bound to give a rigid interpretation of the word inhabitant. To me, this appears completely a *non sequitur*. Before this inference can be legitimately drawn, it must be proved that this party prevailed in the Convention, and modelled the Constitution according to their own views. But this is not proved—the fact is known to be the reverse. So far were they from this victory, and so erroneous did they consider the principles of the Constitution, that some of them refused to the last to sign it; and others were strenuous in advocating amendments, which should restrain what they deemed the dangerous latitudinarian powers of the General Government. So true is this, that the report itself admits that "it was with much 'reluctance that they finally agreed to unite, in 'that spirit of mutual concession and compromise, 'out of which resulted the adoption of the present 'Constitution." To infer that a word used in the Constitution ought to be construed rigidly, because there was, in the Convention which framed it, a party in favor of giving very limited power to the General Government, which party it is confessed did not succeed in establishing their peculiar views, is a species of reasoning, which this House will never adopt.

We are further informed, by the report, that the wise framers of the Constitution must have foreseen, that the Seat of the General Government would collect a number of persons, "whose 'long habit of dependence on those who might fill 'the chief places in the Government, would do 'much towards enlisting them in support of almost any cause which the Administration might 'wish to promote." Without stopping to inquire, whether mankind are really as corrupt as this remark implies, I must deny the inference drawn from it in the report. It is inferred, that because these framers foresaw this supposed state of things, therefore, they meant to prohibit the election to this House of any person so residing at the Seat of Government. I have already adverted to the far greater influence of the Executive in this House, by the unlimited power of appointment from among its members. If the number of members which have been thus appointed for thirty-five years past, be compared with the number (one) elected to this House among those employed at the Seat of Government, we shall see the magnitude of the influence from the former source, compared with that from the latter. Now, to suppose that the framers of the Constitution intended expressly to guard against the latter comparatively trifling source of Executive influence, and yet overlooked the former overwhelming one, is to suppose them an assembly of weak and short-sighted men, wholly unworthy of the great trust reposed in them. It is plain, then, that they had no such fears as this report attributes to them; but believed, that men might be honest though once employed at the Seat of Government, or though even under the far stronger influence of a hope of still further Executive patronage.

The report subsequently alludes to the experience of the British nation, and the supposed intention of the framers of the Constitution to avoid the evils incident to the election of members of the British Parliament. In the remarks which I had the honor to submit to the Committee of Elections previous to their report, and which are printed with it, I have suggested what seems to me the reason why inhabitancy has been for a long period made a qualification for office, by so many of our constitutions and laws. Our ancestors had seen the evils experienced in Great Britain from their system of representation, and aimed at preventing their existence in this country, without weighing fully the difference of conditions between that country and this. Such, I presume, was the motive of the first adoption of this rule; a rule which was continued, and engrafted into the Constitution of the United States, rather from habit, than from any serious fears, at that time, of danger to liberty, from the want of such a rule. So different is the condition of representation in this country from that in Great Britain, that I venture to say, that no injury would be experienced by us, if the clause of the Constitution, requiring inhabitancy as a qualification for a seat in this House, were entirely abolished. The equality of our representation, and the great number and intelligence of our electors, render it impossible, even without such a clause, that the evils of representation, found in the British system, should ever exist with us. The vote of one, or two, or five electors, as in England, may be controlled; but those of five thousand, as in the United States, cannot be. For this reason I believe most fully, that if this clause of the Constitution were entirely abolished, no practical evil would result. And, therefore, I believe, that the clause was inserted by the framers, rather from habit, than from a belief in any necessity for that over-rigid adherence to the principle, which this report inculcates.

When reading this allusion to the improper influence exercised in elections to the British Parliament, I confess I had one regret. I did regret, that the committee did not add, that not the slightest appearance of such influence existed in the case in question. Since the committee allude to such improper influence in Great Britain, as having a bearing on the present subject of debate, some may be led to infer, that possibly it had real existence in the election now contested. It was shown, apparently to the satisfaction of the committee, that none such existed in the case. I do regret that the committee, when alluding to such influence, did not explicitly state their belief, that such was the fact.

The report proceeds to state that "the true theory of representative government" requires that the representative be "selected from the bosom of that society which is composed of his constituents;" and that he should possess a knowledge of their character and political views, and for that purpose should "mingle in their company and join in their conversations;" and that he should especially have "that reciprocity of feeling and identity of interest which exist only among members of the same community." This is a beautiful theory, but happens to make no part of our Constitution, and, therefore, has no application to the case in question. We are all prone to fancy to ourselves what ought to be a rule of action, and thence to infer that such is in fact the established rule. This is an error. Our inquiry now is, what is the Constitution?—not, what ought it to be? That the above picture is ideal, and unsupported by the Constitution, is easily shown. Suppose, when I came to this city, I had, instead of this, gone to the State of Ohio, and settled there, with full and evident intention of making it my permanent abode. And suppose, in one month after this, a district of that State had been as infatuated as a district in Massachusetts seems to have been, and had in its weakness selected me to a seat in this House. This would unquestionably have been a valid and Constitutional election. What, then, becomes of the above beautiful theory of representative government? Where is the representative coming from the bosom of the society of his constituents? Where his mingling in their company—his joining in their conversations—and his intimate knowledge of their character and political views? It is plain that nothing of this is found. Yet a provision securing these advantages, the report asserts, is "absolutely necessary" for "every well regulated government." Either, therefore, our Government is not a well regulated one, or the report under consideration is incorrect. We shall be safe in continuing to believe that our Government is a good one, and that the people may still be trusted with selecting their own representatives without a danger that they will select persons wholly unacquainted with their interests and views.

The report, in illustration of its doctrine, quotes the Journal of the Convention of 1787, which framed the Constitution of the United States. I feel greatly indebted to that journal; for it proves, conclusively, that the rigid doctrine of the report is unsound. By recurring to the journal, we find that the earlier draughts of the Constitution, when speaking of the qualifications for a seat in this House, use the word "resident;" requiring that the person elected should be a resident of the State in which he should be chosen. But toward the close of the Convention, the word "resident" was changed to the word "inhabitant;" which plainly shows that the framers of the Constitution considered that a person might be an inhabitant of a State though not actually resident in it. We further find that the qualification for the office of President was, in the first draught, twenty-one years an inhabitant of the United States; but this was afterwards changed to fourteen years a resident. This two-fold change proves clearly that the two terms, "inhabitant" and "resident," were understood by the Convention to have distinct and separate meanings. So evident is this fact, that the report itself admits that the word "inhabitant" was inserted in place of "resident," "as a stronger term." This admission completely overthrows the main principle of the report: which is, that, according to the Constitution of the United States, a person is an inhabitant of that place in which he actually resides. If the stronger term "inhabitant" mean mere "locality of existence"—mere residence in a place—what less than this can the weaker term "resident" mean? This one fact, as admitted by the committee themselves, proves that the fundamental principle of their report is unsound, and, therefore, ought not to be sustained by the House.

The report cites *Vattel*, and *Jacob's* Law Dictionary, in support of its definition of inhabitancy: but it does it hesitatingly, as in doubt of the applicability of these foreign authorities to an American question. I agree with the committee in their doubts: I do not believe these authors would be conclusive authority, even if they were most explicit and full. But they are the reverse of this. *Vattel* says: "Inhabitants, as distinguished from citizens, are strangers, who are permitted to settle and stay in the country." Even according to *Vattel*, it is only those who settle in a place, that are inhabitants of it. As I never settled in the District of Columbia, and never intended to settle there, the quotation does not apply. Besides, according to *Vattel*, inhabitants are strangers. What becomes of the delightful theory of representative government laid down in this report? If inhabitants are strangers, where is the representative coming from the bosom of the society, with his knowledge of its character and views? The quotation from *Jacob* is still more vague. These authorities prove nothing.

The constitution of Massachusetts is quoted in the report, as declaring, that a person shall be considered as an inhabitant "where he dwelleth or hath his home." This the committee consider as "settling conclusively" the meaning of the word. Persons acquainted with the civil concerns of the State well know, that that definition is held as leaving the question as doubtful as it found it. So far is it from settling the question conclusively in favor of the rigid doctrine of the report, that the whole practice of that State proves the reverse. The decisions of the highest judicial tribunal of the State, as well as its legislative proceedings, prove that the word inhabitant, in that State, does not mean, as this report contends, barely residence in a place, but refers to a person as a member of the political community. The qualification of a voter for Governor and Senators is inhabitancy, without using at all the word citizen or citizenship. And yet (see Mass. Reports, vol. 2, p. 245, 263, and vol. 7, p. 523) the question respecting a right to vote, is invariably considered as involving the question of citizenship. Numerous cases also in its legislative history show, that inhabitancy is retained, without actual residence. Besides, the terms citizen and inhabitant are used in the constitution of the State without any apparent distinction.

If, therefore, we take the use of the term inhabitancy in Massachusetts, as the test of the legality of the election in question, it is most unquestionably legal. Every authority is in its favor. And this use, probably, ought to be the test. When the Constitution of the United States says, that a member of this House must, at the time of his election, be an inhabitant of the State in which he is chosen, it probably leaves to each State to determine what shall be its own terms of inhabitancy. If, however, we take the other ground, and consider the question as one to be determined solely by the Constitution of the United States, without reference to the State authorities, it has already been shown, that the framers of the Constitution, as admitted by the committee themselves, had a different understanding of the meaning of the word inhabitant from that contended for in this report.

It is also stated in the report, that the constitutions of Delaware, Georgia, and Ohio, have a saving clause in favor of persons absent from those States; and this saving clause is given as proof, that absence destroys inhabitancy. It might have been stated, that not only these three States, but nearly all the States in the Union, acknowledge the same principle in favor of their citizens, when absent in the service of their State, or of the United States. The constitution of Kentucky, for instance, has the following provision: "Absence on the business of this State, or the United States, shall not forfeit a residence once obtained." The same principle, to a greater or less extent, is recognised by the constitutions of twelve out of the eighteen States, whose constitutions have been formed since that of the United States. And Virginia, in her general election law, adds also her example to the list. Instead of inferring from these facts, as this report infers, that mere absence destroys inhabitancy, I infer, and confidently infer, the very reverse. This general concurrence of the voice of the nation, in favor of persons in public employment, proves that the principle is founded deeply in the common sense of mankind. It proves that it is an essential principle in our free institutions, that absence on public employment shall not diminish the rights of the person so employed.

The report cites the act of March, 1790, for taking the first census, as proof of the correctness of its own definition of the word inhabitant. We know very well, that laws are often passed, without much regard to critical verbal accuracy. In most cases, the language is such as happens to be reported by a committee; and I am not at all inclined to support the infallibility of committees. But suppose the word inhabitant is used in this law with entire accuracy; even this proves nothing. It does not prove that the first Congress meant to exclude from the enumeration persons who were temporarily absent from their original permanent homes. It therefore proves nothing.

Nor does the judiciary law of 1789, cited in the report, prove any thing. In the whole of that long act, the word inhabitant appears to be used but twice; in the 11th and in the 27th sections. And in neither case does the use of the word give the slightest sanction to the doctrine advanced in this report.

In reply to the almost irresistible argument in my favor drawn from the numerous instances in which persons have enjoyed the privilege of inhabitants, while absent in public employment, the report contends, that such instances cannot be properly adduced as precedents, where the question was not formally agitated and decided. This doctrine I venture to say is unsound. Whatever may be its correctness as applied, in the strict practice of courts of law, to principles, it cannot be true as applied to the meaning of a word. Language, we all know, is perfectly arbitrary. The meaning of a word is determined wholly by its use. If the people of a country, by common consent, consider a person as an inhabitant of a State, though he is temporarily absent in public employment, this must be received as the true meaning of the word, even if there were not a single formal decision on the point. Such general practice shows what is the common-sense interpretation of the word; and is conclusive of the question.

We might go further than this. Even if it were proved that the framers of the Constitution understood the word in the same sense as is contended for in the report, (though we have seen distinctly that they did not,) yet, if it were also proved, that, for thirty years past, the uniform understanding of the people of this country has been different, and their uniform practice different, it would be wrong to reject this uniform understanding and practice, and revive the obsolete use of the word. Language is ever fluctuating. The title of one of the most ingenious treatises on philology ever presented to the world, very aptly expresses this character of language—"Winged Words." Words are indeed winged; they are constantly changing their meanings, and assuming new uses. If the constitution of a country, by the lapse of time, have a different construction from that originally given it, and any supposed evil ensue, the proper remedy is to amend the constitution, and not to attempt to revive obsolete interpretations, to the prejudice of the rights of persons who have acted on the faith of long and uniform practice. In the present case, however, there is no necessity for this. We have seen that the framers of the Constitution did not understand the word inhabitant as it is defined in this report.

There is one argument, Mr. Chairman, entitled to great consideration; it is the peculiar condition of the District of Columbia and its government. The Committee on Elections, however, in their report, confess themselves unable to discover any thing in this circumstance applicable to the present case. To my view, the circumstance is a most important one—so important that perhaps the question might be rested safely on this point alone, without even naming any other.

The District of Columbia is a district erected expressly for the accommodation of the States of this Union, as the seat of their common Government. This common Government exercises exclusive legislation over it. Every State, therefore, partakes of its jurisdiction; and every person residing in the District is under the participant jurisdiction of his own State. To say, then, that a person, coming from one of the States to this District, has left entirely the jurisdiction of his own State, is incorrect; he has left its peculiar and separate, but not its participant jurisdiction. Let us suppose a district of ten miles square in the centre of Maryland, divided into four equal parts, and owned by four individual persons. Suppose these persons should convert one square mile, in the centre of this District, into a joint property, for the purpose of a park. And suppose Maryland should pass a game law, prohibiting every person from hunting on any grounds not his own. Can we believe that this law would prohibit those four proprietors from hunting in their joint park? No. Yet in the same sense in which this park is the property of these four persons, is the District of Columbia the territory of each State in the Union. Who will deny that each State participates in the legislation of this House? In the same degree it participates in the jurisdiction of the District of Columbia.

The report says that the same rule will apply to all the territory purchased by the United States, as to this District. The correctness of this position is distinctly denied. The power of Congress over this District, and that over such Territories, are powers derived from two entirely distinct clauses of the Constitution; and clauses having a marked distinction of phraseology. To say that what applies to one power, must apply to the other also, is therefore plainly erroneous. But even if correct, it would not prove the correctness of the report. If any one can by an effort prove, that what applies to the one applies also to the other, he shall be welcome to the full benefit of his effort. The doctrine will still be true and unshaken, that each State participates in the jurisdiction of the District of Columbia.

It may also be truly said, that a person employed in the business of the United States, is employed in the business of each State. The agent of a commercial house is the agent of each individual associated in the firm. So, the business of the United States is the business of each State so united. A person, therefore, who leaves his own State to discharge any executive duties at Washington, is employed in the business of that State, and continues under its modified jurisdiction. That the Committee of Elections should confess themselves unable to discover a distinction between such a residence at Washington, and an ordinary "settlement in one of the States of the Union," is indeed remarkable.

In the seventh page of the report, we have a statement of the views of the committee respecting ambassadors and other foreign agents, which, taken in connexion with other parts of the report, has indeed surprised me. It is stated that no analogy exists between the cases of such foreign agents, and the case in question; inasmuch as an ambassador cannot become a "citizen" of the country in which he resides, nor can "lose his allegiance" to his own country. Here the committee have fallen into the very error (if error it be) against which, in a former part of their report, they hold out a pointed caution. In page 4 they say that "many of the misconceptions" which prevail respecting inhabitancy, have arisen from confounding the terms *inhabitant* and *citizen*. "The word inhabitant," they say, "comprehends a simple fact, locality of existence; that of citizen, a combination of civil privileges." Yet, in page 7, when speaking of ambassadors, they commit the very error against which they had just protested: and speak of *citizenship* and *allegiance*, saying nothing of *inhabitancy*, and the ambassador's local existence. If the main doctrine of the report be correct, that "civil privileges" relate exclusively to citizenship, and not at all to inhabitancy, and that inhabitancy comprehends barely the fact of local existence, then an ambassador is most plainly and indisputably an inhabitant of the country in which he resides. The doctrine, therefore, in relation to ambassadors, is utterly inconsistent with the fundamental principle of this report.

Equally inconsistent with it is the report of the same Committee of Elections, made on the 3d instant, in the case of the member from Georgia, (Mr. Forsyth.) "The *capacity* in which he acted," says this second report, "excludes the idea that, by the performance of his duty abroad, he ceased to be an inhabitant of the United States." How the *capacity* in which a person acts, can change the "fact" of his local existence, is perfectly incomprehensible. If the doctrine of the first report be true, that inhabitancy means barely the fact of local existence; and if a Minister of the United States actually reside in Spain, it follows by irresistible necessity that he is an inhabitant of Spain, and not of the United States. To speak of the capacity of a Minister, and the privileges resulting to him from that capacity, is, according to the first report, wholly foreign to the question of inhabitancy; since privileges relate wholly to citizenship, and not at all to inhabitancy, which means barely local existence. If, therefore, the first report be correct, the second cannot be correct.

This second report, after having thus attempted to prove that the member from Georgia (Mr. FORSYTH) was, while actually residing in Spain, in reality an inhabitant of the United States, proceeds to say, that "inasmuch as he had no inhabitancy in any other part of the Union than Georgia, he must be considered as in the same situation as before the acceptance of the appointment." Here is laid down the doctrine of constructive inhabitancy, as broadly as I have ever claimed it. A person, though actually living in Spain, is to be *considered* as living in Georgia, because he was in "the performance of his duty abroad," and because he lived in no "other part of the Union than Georgia." For the same reason a person who performs executive, legislative, or judicial duties at Washington, and who takes no part in the civil concerns of the place, "must be considered as in the same situation as before the acceptance of the appointment." This is the true doctrine of our free and liberal institutions, as well as of the second report of the committee, though it is utterly inconsistent with their first report.

It has been said that the case of an ambassador or other minister is wholly different from the present case, because he is invested expressly with certain privileges by *international law*. This difference is wholly imaginary. The real substance of the privileges of a Minister is, that he is not subject to the laws and government of the country in which he resides. And the reason of this is given by writers on public law. This exemption is given, because without it he could not discharge, properly and independently, the duties of his office. This is the simple account of the case; there is no magic in it whatever. A Minister is allowed certain privileges while abroad, to facilitate the discharge of his duties while there, but having no reference whatever to the continuance or exercise of merely municipal rights at home.

This view is supported by the very meaning of the word international. International law is the law which prevails between nations, and is entirely distinct from the internal law of a nation. The qualifications of members of this House are prescribed by our own internal and purely municipal regulations. To call in international law to set aside or restrain a municipal regulation of a purely municipal subject, is plainly an error. A Minister, appointed to a foreign mission, receives the protection of international law the moment he leaves his own country. He enjoys this protection while on his passage out, while in a foreign country, and while on his return; but the moment he touches his own country, that moment this protection ceases, and he becomes subject again to the municipal regulations of his country. International law returns him to his country, but cannot allot him to this or that particular section of it. The latter is the part, purely, of municipal law. To say that international law determines whether a Minister of the United States, on his return from his mission, is an inhabitant of Georgia or of Maine, within the meaning of the Constitution of the United States, so as to be eligible to a seat in this House, is too obviously incorrect to need comment.

But, even if we could for a moment admit, that international law can determine the municipal privileges of our citizens, it has no bearing on the question of inhabitancy, if the doctrine of the first report be correct, that privileges relate wholly to citizenship, while inhabitancy means the simple fact of local existence. To resort to international law to ascertain the fact where a person has his local existence, is to give that law a use, which it is believed is wholly new.

Under every view of the subject, therefore, it is evident that international law cannot be brought to fix any difference between the case of an Executive officer in foreign employment, and one employed at the Seat of Government. If "the word inhabitant comprehends a simple fact, locality of existence," as the first report contends, then a Minister residing abroad most plainly ceases to be an inhabitant of his own country, during such residence. If, on the other hand, as the second report contends, a Minister, as to his inhabitancy, "must be considered as in the same situation as before the acceptance of the appointment," since he is in "the performance of his duty abroad;" equally ought a person, who is in "the performance of his duty" in an Executive office at Washington, to "be considered as in the same situation as before the acceptance of the appointment." The same rule, under a Government of equal laws, must apply to both.

From these views, Mr. Chairman, of the principles contained in the report of the Committee of Elections on the case in question, and of the obvious inconsistency of its different parts, we may easily determine, whether that clear and positive case is made out, without which the right of a sitting member, and the clearly expressed will of the people, ought never to be set aside.

[Minutes of the first part only of Mr. B's remarks, were taken by the reporter. In the subsequent part, Mr. B. contended, that he had a right to complain of the course which proceedings had taken—that very partial and feeble remonstrances, two out of a great number which were got up out of his district, printed, and distributed through it anonymously, were forwarded to a member with an anonymous letter, and were received and made the ground of proceedings, contrary to every precedent in the history of the House—that, in the absence of all evidence whatever accompanying the remonstrances, the Committee of Elections proceeded of their own motion, to collect evidence, thus making themselves the prosecuting party, a situation which, from the very constitution of human nature, without any improper motives, the imputation of which was expressly disclaimed, must give a bias to the committee unfavorable to the sitting member, and render his position less eligible than if his seat had been regularly contested; and that thus an unfavorable report by a bare majority of the committee was obtained, which, from the confidence habitually and necessarily given by the House to its committees, operated injuriously to the sitting member. Mr. B. proceeded to argue, that whether the rules and practice of the United States, or those of Massachusetts, be taken as the test, the report of the Committee was unsound; since the Journal of the Convention of 1787 proves that *inhabitant* and *resident* were deemed different, and numerous precedents, both of Massachusetts and of the United States, confirm the distinction.]

When Mr. **Bailey** had concluded—

Mr. **Storrs** of New York, put several queries in illustration of the case.

To which Mr. **Bailey** briefly replied.

Mr. **Moore**, of Alabama, moved that the Committee rise; which motion was negatived—ayes 71, noes 75.

Mr. **Brent** then spoke in support of the right of Mr. **Bailey** to his seat, and against the report of the Committee, which he moved to amend by striking out the word "not."

Mr. **Fuller**, of Massachusetts, expressed a wish to deliver his sentiments, but, on account of the lateness of the hour, moved that the Committee rise; which was carried.

The Committee rose accordingly, and, having reported progress, had leave to sit again.

Wednesday, March 17.

Mr. **Rankin**, from the Committee on the Public Lands, to whom the subject was referred, by resolution, on the 13th ultimo, reported a bill supplementary to "An act providing for the examination of titles and claims to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river;" which was read twice, and committed to a Committee of the Whole.

Mr. **Rankin**, from the same committee, to whom the subject was referred, by resolution, on the 6th January last, reported a bill granting to the counties of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same; which was read twice, and committed to the Committee of the whole House to which is committed the bill granting to the Territory of Arkansas the right of pre-emption to certain quarter sections of land.

Mr. **Rankin**, from the same committee, to whom the subject was referred, by resolution, on the 2d of February ultimo, reported a bill changing the mode of surveying the public lands on any river, lake, bayou, or water-course, in the State of Mississippi and Territory of Arkansas; which was read twice, and committed to the Committee of the whole House last mentioned.

Ordered, That the Committee on the Public Lands be discharged from the consideration of the resolution of the 25th of February ultimo, instructing them to inquire into the propriety of making roads, levees, &c., on public lands in the State of Louisiana; also, from the memorial of the General Assembly of Indiana, asking that relief may be given to purchasers of public lands, of a certain description, referred on the 23d of February ultimo; as, also, from the cases of William Conner and E. J. West, and that they be laid on the table.

Mr. **Sharpe**, by leave of the House, presented a petition and representation of the booksellers, bookbinders, printers, and paper dealers, residing in the city of New York, praying Congress to "impose such an increased rate of duty on the importation of such books as are usually republished in this country, as will protect the American publisher from uncertainty and loss in his enterprises."

On motion of Mr. **Newton**, two thousand additional copies of the communication from the Treasury, containing a digest of the commerce of the United States, were ordered to be printed.

The resolution offered yesterday by Mr. **Breck**, was called up for consideration; and, on motion of Mr. B., it was modified so as to read as follows:

Resolved, That the Committee of Commerce be instructed to report to this House whether any law exists in contravention of the provisions of the convention of the 3d of July, 1815, made between this country and Great Britain; also, to inquire into the expediency of countervailing by law any duties or port charges on American commerce or tonnage which Great Britain may lay thereon in her colonies, or elsewhere.

Mr. **Newton**, chairman of the Committee on Commerce, who had yesterday opposed the adoption of this resolution, withdrew his opposition, and explained the circumstances of the case to which the resolution refers.

The resolution was agreed to.

On motion of Mr. **White**, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of placing John Pierpont, a soldier of the Revolution, upon the pension list.

On motion of Mr. **Hamilton**, the Committee on Military Affairs were instructed to inquire into the expediency of repealing or amending the act passed for the relief of John B. Hogan, at the last session.

On motion of Mr. **Mercer**, the Committee on the Suppression of the African Slave Trade were instructed to inquire into the expediency of amending the existing laws of the United States for the suppression of that traffic, so as to extend the penalties thereof to cases of expeditions fitted out in foreign ports or places for that traffic, by, or on account of, citizens or persons residing within the jurisdiction of the United States.

The bill from the Senate, entitled "An act to authorize the employing of certain assistants in the General Land Office," was read the third time, and passed.

MR. BAILEY'S CASE.

The House then passed to the orders of the day, and went into a Committee of the Whole, (Mr. COBB in the Chair,) on the report of the Committee of Elections in the case of John Bailey.

And the question being, on Mr. BRENT'S motion, to strike out the word "not" in the close of that report, so as to make it declare that Mr. Bailey *is* entitled to a seat on the floor of this House.

Mr. FULLER said he felt some embarrassment in addressing the Committee, in consequence of the notice given yesterday of his intention, a circumstance he always, if possible, avoided. He would not deny, he said, that he felt a strong desire to convince them of the correctness of the views which he entertained upon the subject of the contested election of the sitting member from the district of Norfolk, in Massachusetts.

The power of deciding upon the claims of members to their seats is given in the 1st article, 5th section of the Constitution, in these words, viz: "Each House shall be the judge of the elections, returns, and *qualifications*, of its own members." This clause comprehends three particulars: elections, returns, and "qualifications." The two first, it is manifest, cannot have been previously considered and determined by the people themselves, and are, therefore, to be determined by the House, unaided and uninfluenced by such previous determination. But the "qualifications" of the member, as they must have existed before and at the time of the election, must be presumed to have had the deliberate consideration of the electors themselves, and if the House should reverse *their* decision, it ought to be supported by the most clear and incontrovertible reasons. What are the qualifications required by the Constitution for a member of this body? That he be twenty-five years of age, have been seven years a citizen of the United States, and, "when elected, an inhabitant of the State in which he shall be chosen." The last of these qualifications is the only one necessary to be considered in the present case; and of this, above all others, I contend, said Mr. F., that the citizens by whose suffrages the member was elected, and has hitherto held his seat, possessed far better means of judging correctly than this House, or its Committee of Elections, can possibly possess. Without going, at this moment, into technical definitions of the term *inhabitant*, I may safely affirm that the *spirit* and *intent* of the Constitution, in requiring a member to be an inhabitant; to secure a perfect knowledge of the sentiments and interests of his constituents; to identify his views and springs of action with theirs, may be more safely confided in its application to the constituents themselves than to any other tribunal whatever. The general character of a candidate for the people's favor, his habits of intercourse with themselves, his knowledge of their circumstances, opinions, and interests, are peculiarly within their view, and subject to their observation. They cannot possibly err in their judgment upon these points; and their interest coincides with their local and personal feelings in withholding their suffrages from any candidate who is deficient in these respects. If they are satisfied, there can be very little danger that the member is wanting in the qualification of being an inhabitant according to the *spirit* of the Constitution. Now, this judgment of the Electors is founded upon innumerable circumstances of daily occurrence, which can never admit of being detailed in depositions, and, therefore, cannot be presented in their true and proper light to this House. Hence, arises the obvious inference, that the decision of the people on this point ought not to be reversed but upon palpable grounds, and by no means upon any construction or technical nicety in regard to the terms employed by the framers of the Constitution.

As a preliminary, it is important to ascertain the import of the term *inhabitant*, as used in the Constitution of the United States; and I cannot but express some surprise at the limited and very loose conceptions of the committee on this point. But I ought here to observe that, in the course of my remarks, though I shall often have occasion to dissent entirely from the committee, a majority of whom only concurred in their report, both in their premises, and in their general reasoning, I nevertheless feel a sincere respect for them, personally, and I freely accord to them the merit of honorable intentions and of patient inquiry. Nor ought any censure to attach to those citizens of Norfolk district, however few in number, who deemed it their duty to bring before this House a question upon the Constitution of their country, which they might deem important. In their definition, the committee say, the word inhabitant, comprehends a simple fact, "locality of existence." Report, p. 4. In the next page, they quote *Vattel*, book 1, ch. 19, sec. 213, "the inhabitants, as dis‘tinguished from citizens, are strangers, who are ‘permitted to settle and stay in the country; they ‘do not participate in all the rights of citizens." Is it possible, that this definition from *Vattel*, who is merely describing strangers and foreigners, can be the sense, in which the word "inhabitant," was used by the framers of our Constitution? It is apparent, that the translator of *Vattel* has used the word inhabitant, in the sense which is universally attached to the word resident, and without having examined the original for the purpose, I think it probable, the idea of the author would have been correctly expressed in our language, by the latter word. But, however that may be, the Constitution, in speaking of inhabitants, certainly does not mean "strangers" or foreigners. Equally certain it is, that "locality of existence," is not the Constitutional definition, since this transfers a man's inhabitancy from one place to another, whensoever he may be obliged to journey from one town or State to another, however short his stay, and however speedy his return. Every absence from the place of his permanent abode, would be a suspension of his inhabitancy, and a temporary disfranchisement of his rights, under the Constitution. The true meaning of the word inhabitant, in my opinion, is, a person who has a permanent home or domicil, in a place. In this definition I am sustained by *Vattel:* "The domicil 'is the habitation fixed in any place, with the 'intention of always staying there. A man does 'not, then, establish his domicil in any place, 'unless he make sufficiently known his intention 'of fixing there, either tacitly or by an express 'declaration. However, this declaration is no 'reason why, if he afterwards changes his mind, 'he may not remove his domicil elsewhere. In 'this sense, he who stops, even for a long time, in 'a place, for the management of his affairs, has 'only a simple habitation there, but has no dom'icil." B. 1. ch. 19, sect. 218. That it is in this sense, of permanent habitation, that the word inhabitant is used in the Constitution, is clearly shown from the fact adverted to, in the report of the committee itself. The word resident, was used in the first draught of the Constitution, and afterwards, upon mature consideration, was struck out, and "inhabitant" substituted, as it now stands, as the qualification for Representatives; while, in art. 2, sec. 1, it was provided, in the original draught, that the President shall have been fourteen years an "inhabitant" of the United States, and was afterwards so altered as to require the present provision, viz: that he shall have been "fourteen years a resident within the United States." Hence, it is certain that it was then intended, as to the candidate for President, not merely that he should have his permanent habitation for that period of time, in the country, because such habitation would not preclude his absence from the country on public or private business, perhaps two-thirds of the time; but he should have the advantage of actual residence, or, in the words of the report, of "local existence," during that period, within the limits of the country, over which he is to preside. At the same time, a Representative is required, not merely to have his residence, or temporary "local [existence," in the State "when elected," which he might do, without any fixed habitation there, and without having ever passed a month or even a week within the State, or having any right or interest in common with its citizens; but he must have his permanent habitation or domicil in the State, which is implied in requiring him to be an "inhabitant." How much more wise and effectual is this provision, than the requisition of residence only, must be obvious to all; yet, it is in this sense only, by the construction of the committee, that a Representative is required to be an inhabitant. He must, when elected, have his "local existence" within the State, but his permanent habitation may be in any other State, or in any other country! Their quotations from *Vattel,* showing that inhabitants may be strangers, that is to say, foreigners, fully justifies me in ascribing to them this preposterous interpretation of the Constitution.

The committee very properly concede, that the definition of the word "inhabitant," as it was contemporaneously understood in Massachusetts, ought to have great weight in fixing its import in the present case; and they cite a passage in the constitution of that State, for the purpose of sustaining their own conclusion upon that point, viz: "To remove all doubt concerning the word in'habitant, in this constitution, every person shall 'be considered an inhabitant for the purpose of 'electing and being elected, into any office or 'place within the State, in that town, district, or 'plantation, where he dwelleth or hath his home." Rep. p. 6. Now, this passage in our State constitution is in point, not to support, but to confute, the reasoning of the committee; for it shows, conclusively, that the citizens of Massachusetts can elect and be elected, not where they have a mere "local existence," where they are "strangers," in the language of *Vattel;* but, where they have their "home"—their domicil, or permanent residence.

In conformity with this understanding of their constitution, has been the constant usage in Massachusetts, of which it is easy to enumerate many instances in point. As a qualification for the office of Governor, the same constitution requires that the candidate shall have been an inhabitant of the State for seven years "next preceding his election." Mr. Gore had been absent in England six or seven years, as a commissioner under the treaty of 1794, and, within three or four years after his return, was elected Governor. This was in times of violent party contention, yet, among many objections taken at the scrutiny in the Legislature, this was never once mentioned. The present Governor, Eustis, had been absent from his country on a foreign mission, for many years, and, within three or four years after his return, was elected to the same office. It never once occurred to those who preferred his rival, that he was not eligible, because, for more than half the "seven years next preceding his election," he had had his "local existence" in a foreign country. Nor are instances wanting of persons who were absent on their own private concerns, being elected to offices requiring, by the Constitution, that they should have been inhabitants a term of years, which included the period of their absence, "next preceding" their election; among whom the cases of Benjamin Hitchborn and William Hull were in evidence before the committee. To obviate the force of these practical interpretations of the term "inhabitant," as used in Massachusetts, the committee are obliged to resort to the supposition that the elections were not duly contested or scrutinized, because such opposition to the "choice of the people is a very unpleasant task." But the fact is well known that this "unpleasant task" was constantly, and with avidity, undertaken by rivals and partisans, whenever any plausible pretext was afforded; and many examples of successful opposition to sitting members might easily be adduced. The real cause of forbearance to take this exception to the validity of the elections, before stated, was, that the common sense and understanding of the community concurred in giving the construction for which we contend, to the term in question.

How, then, it may be asked, is the permanent domicil, the home or habitation of a person to be determined—of a man who, though once well known as both an inhabitant and resident, has been several years absent? The answer is not difficult; the true characteristic is the *animus revertendi*, the intent of returning. When a person removes from his proper home, and goes to another State or country with the intention of fixing there his home, his rights, as an inhabitant of the place from which he departs, cease immediately, and do not continue, as the committee erroneously suppose, till he shall have acquired new rights in "the place where he has taken up his residence." Rep. p. 5. The very act of departure, with the intention of not returning, severs at once his relation of citizen, and divests all his rights and privileges as such. On the contrary, if he leaves his home for any other State or country to transact business, public or private—as a minister in a foreign court, or a consul; or, as a merchant, a factor, or a student—still intending, when the object of his departure from his permanent home shall have been accomplished, to return and resume his accustomed residence; then he is never divested of the rights which his inhabitancy conferred. His absence, it is true, deprived him, in some respects, of enjoying those rights, while it continued, but the rights themselves were neither extinguished nor suspended.

In many cases, it is true, there may be much difficulty in determining, or proving, the existence or non-existence of the intention of returning; and I have no doubt the confused and contradictory reasoning of the committee may be, in a great degree, traced to their mistaking the evidence of the criterion for the criterion itself. Thus they say, p. 8., if a son absents himself from his father's house for years, and in the meantime marries a wife—his original domicil must be considered as abandoned, and a new one established, &c. Now, who does not see that the mere circumstances of absence from his home for several years, and marrying a wife in another place, are not *ipso facto* a permanent change of habitation; they are, indeed, circumstances having a tendency to establish the real criterion, the intention. The truth is, a person cannot assume the right of a citizen or inhabitant in the place to which he removes, without his own voluntary assent. The relation of a citizen to the country or community where he belongs, is a contract, and his assent is indispensable. By mere residence, it is true, he incurs certain obligations, and by comity between our States and cities, his silence alone might be considered as implying his assent to become a citizen; but if he remains silent, when he really does not intend to become a citizen by a permanent residence, and by that means is admitted to exercise the rights of a citizen, he commits a fraud upon the community, whose comity is thus abused. If he disclosed the truth, that he considers the place from which he came as his proper home, and that he does not intend to become a citizen of the place of his temporary residence, nor to identify himself as such with its interests; he could not be admitted to the privileges of citizens and inhabitants. Will any one deny that a person, persisting in such an intention, explicitly avowed, of returning to Boston or Philadelphia, his native city, and the place from which he had emigrated, would not be allowed, at Richmond or Charleston, to exercise the right of suffrage as a citizen? No length of time, not even marriage or any other circumstance, could obviate the single objection as long as it continued to exist. Our laws for naturalization of aliens require a solemn declaration in a court of record of the wish and intention of foreigners to take upon themselves the duties and rights of citizens. The difference between foreigners and the inhabitants of the United States, in relation to each other, is only in the degree of alienage, if I may use the expression; the principles in transfer of rights and obligations from citizens of one State to another are perfectly analogous. The intention in one case must be solemnly avowed in a court, in the other it is sometimes inferred from residence and silence, with other concurrent circumstances; but, in neither case, can the new relation of citizen be obtained against the explicit intention of the individual himself.

Let us apply these principles to the case of the member from Massachusetts, whose seat is contested. He is a native of Canton, in the State for which he was elected; but, at an early age, left his father's house, and received his education at a college in a neighboring State. When his education was completed, he was appointed an instructer in the same seminary, where he remained several years.

On his return to his native place, he was very shortly elected a member of the Legislature of the State, and on that occasion, his absence from the State was urged as a disqualification under the provision of the constitution of the State before stated, requiring the inhabitancy of members within the State for a term of years next preceding. After full investigation, the objection was abandoned, which is another practical interpretation of the term inhabitant, in the State of Massachusetts. In Autumn, 1817, he was appointed by the Secretary of State a clerk in that department, in which situation he remained, till he was elected to the station which he now occupies. During this period, he has frequently revisited his friends in Norfolk district, and has constantly maintained such an intercourse through the medium of friends and correspondents, as has preserved an intimate knowledge of his present constituents, and of their sentiments and political views. Indeed, without this, it may safely be affirmed he could not have obtained a nomination, much less an election, against numerous competitors and powerful opposition. Several years since, it is within my personal knowledge, though not included in the printed evidence before the committee, that he was a candidate for the same station, which, however, was at that time conferred on the worthy predecessor in this House of Governor Eustis. Before his appointment to the State Department, and while an instructer at Providence, he selected a library, of considerable value, which was placed in his apartment in his father's house, and there still remains. In Washington he had lived in a boarding house, and devoted his attention exclusively to his official duties, taking no share whatever, in the local concerns of the city or the District. He never assembled at the ward or other local meetings, was never a candidate for any office, was never assessed in any tax, or took any other concern in the interests of the place, than any stranger. Had he intended to become a citizen of Washington, it is reasonable to presume he would have intermingled in the various measures which have characterized the citizens of the District. With the ambition which we must admit he has always entertained, of participating in the councils of the nation, an honorable ambition, of which he never lost sight, instead of seeking that distinction from the suffrages of his native district of Norfolk, he would probably have been foremost among those who have so exerted their efforts to obtain a delegate for the District of Columbia upon the floor of this House. In these efforts he might reasonably have expected some distinction; and, could the point have been attained by delivering the citizens from what some of them have recently denominated the "despotism" of Congress—a paternal despotism, however, they admit it to be—he might fairly have challenged a high place among the "liberators" of the present times. From all these overt acts of citizenship, he wholly abstained; and these, in my opinion, constitute a chain of negative facts, which, in coincidence with his continued and uncontradicted declarations of his intention of remaining a citizen and inhabitant of Massachusetts, which are so explicitly proved, can leave no possible doubt that such was his intention, fixed and unchanging, from the day of his departure to the present hour.

The circumstance of his marriage has not the least tendency of an opposite character. His wife was herself a foreigner, having resided only four years in this country; and he has never assumed the station of a housekeeper, but has remained with his wife at board, as before, not indeed, in a public hotel, but with her mother. Members of Congress not very unfrequently enter into the matrimonial connexion in Washington, and it would be as reasonable to fix them, by that act, citizens of Washington, as the sitting member.

It is clearly admitted by the report (p. 7) that Ministers of the United States, resident in foreign countries, do not by such absence lose their rights as citizens or inhabitants of the States in which they had previously possessed them. Here, then, the committee are compelled to admit an exception to their principle before adverted to, that inhabitancy is "locality of existence." They seem also to admit, but less explicitly, that the higher officers of the Government may still retain their right of inhabitancy in the States, though they may reside at Washington, in the discharge of their public functions; while they deny this advantage to those in "subordinate employments." In other words, the President and the Heads of the Executive Departments may remain at Washington, for an indefinite length of time, without prejudice to their respective rights and privileges, as citizens of the States in which they were previously inhabitants. It never was doubted, I presume, that the President and the principal Executive officers do in fact retain those rights and privileges in the States; and instances have occurred when they have received the suffrages of the citizens of the States for offices, to which by an opposite doctrine they would be ineligible. The true reason of this is, that the circumstances under which they reside at the Seat of Government, raise no presumption that they intend to quit their permanent homes in their respective States, or to become citizens of Washington. Here, too, the committee must admit another exception to their principle; and at the same time it is clear that the intention alone, the *animus revertendi*, determines the point that those high officers remain citizens of the States, instead of being disfranchised by living at the Seat of Government. By what principle of the Constitution, by what doctrine known to our republican system or to human reason itself, can they exclude inferior or "subordinate" officers from the same rights in their respective States, when their intention of retaining those rights, and of remaining citizens of those States, shall clearly appear? It cannot be admitted—this distinction between chief and subordinate is abhorrent to justice and to reason. Our feelings revolt at the assumption. Nor ought it to be overlooked that the origin and the tenure of the principal and subordinate officers of the executive branch of the Government, are alike known to the Constitution. By art. 2, sec. 2, the President is authorized to appoint his "principal executive" officers, which implies the existence of inferior officers in those departments; and the appointment of the latter is authorized to be vested in the Heads of the Departments. Under this authority a law was passed, vesting the appointment of clerks of departments in the Secretaries. Hence it appears that the tenure of their offices is precisely the same with that of the Secretaries themselves. It is not to be tolerated for a moment, therefore, that the interests of the inferiors are to be judged and decided by rules and principles less favorable than those of the principals. Justice knows no distinction—*Rex Jupiter omnibus idem.*

I readily concede that it may be more difficult for a clerk to demonstrate his intention of returning to his original domicil, from the circumstance that many of the inferior officers of the departments do in fact remain in this city, and hold their offices for many years, and often during the remainder of their lives. A Secretary, or even a President, might also adopt the intention of becoming a citizen of Washington, and of relinquishing his former domicil. The point contended for is, that the intention in both cases is the true principle upon which the fact of citizenship, or domicil, is to be determined. In the case before us, I think it may fearlessly be affirmed that the intention of the member to retain his domicil in Massachusetts, is proved beyond all question; and, consequently, it most clearly follows that he was, at the time of his election, an inhabitant there, and eligible to a seat in this House.

The relation of the District of Columbia to the

United States, as established by the Constitution, affords in itself a strong presumption against the inference, that persons, who remain here in the execution of public functions, intend to relinquish their domicil and concomitant privileges in the States from which they came. Those functions, in many cases, cannot be performed elsewhere, and the territory of ten miles square is allotted as the central point in the Union for their performance. Add to this the fact, that the citizens of this District are governed by laws, in which no representative, elected by their suffrage, has any voice, and it is evident that an ambition of political distinction, such as the sitting member has repeatedly evinced, could not here be successfully indulged. Surely it ought to be only in clear cases that the House should adopt a conclusion, which divests a citizen of rights in his native State, without remitting him to equal rights elsewhere. The case of a navy yard or arsenal, is analogous in principle, the jurisdiction of those places being ceded to the United States. Suppose a citizen of Charlestown, an officer in the navy or marines, to reside within the limits of the navy yard with his family for a course of years, as is often the case; will it be alleged that his residence within the territory and jurisdiction of the United States, divests him of his rights as a citizen of the State? No such doctrine can be supported. The injustice is too obvious. The residence in the public ground is like residence on board a public ship, and an absence for years in a public ship will not be pretended to produce disfranchisement. Residence in this District, solely employed in public business, without the power of acquiring and enjoying the common privileges of citizens of the United States, and without the intention or wish to possess the imperfect and mutilated rights of the citizens here, ought by no means to be construed a divestment of the ample rights and privileges of a free citizen of one of the sovereign States of this Union.

A gentleman from New York yesterday, (Mr. Storrs,) proposed several questions, all of them in substance admitting of one answer. He asks what would be the condition of an inhabitant of this city, in case of a retrocession of the territory to Maryland? My reply is, the citizens would then be citizens of Maryland; but the residents, not citizens, would then, as at this time, retain their rights in their several States.

The Committee of Elections suppose it to have been a favorite provision in the Constitution, obtained by the exertions of those who were champions for maintaining "State distinctions and State feelings," that the representatives should be inhabitants of the States in which they are elected. Admitting this to have been the fact, the definition of the term, contended for by the committee, would defeat this desirable purpose. Since the "local existence," required by the report, is, in its nature, transient; whereas the construction I have supported supposes continuity and permanence of domicil. Another object of the provision, supposed by the committee, was to prevent those who had held offices under the "General Government," meaning, probably, the Executive branch of the Government, from being elected to the Legislative branch; and, yet, by their construction, those who have held such offices, for any period whatever, have only to transfer their "local existence," their temporary abode, from the Seat of the General Government to the State where they are to become candidates, and the objection is removed! Nay, the necessity of even this temporary return is only necessary for "subordinate" officers, clerks, &c., but is not affirmed to be necessary for the chief officers and Heads of Departments. Had the framers of the Constitution had this object in view, they would not have made a provision so easily evaded, nor would they have guarded against the election of inferior officers, while those of superior station remained eligible. Against the latter there might sometimes be grounds of jealousy. They, when resident here, might, indeed, sometimes, too much identify themselves with the Executive, and their partiality might remain after they should have obtained seats in this House; but of inferior officers there can be very little danger of this sort. The humble sphere in which they move precludes the suspicion. On the other hand, it cannot escape the attention of the sagacious people of this country, in selecting their representatives, that the knowledge of public business, of the intricate details of the various departments, which may be acquired in this subordinate situation, may be highly advantageous in the halls of legislation. Knowledge of this nature would enable Congress, while it ferreted out and exposed depredations upon the public treasury, if any existed, to do justice to the honorable and faithful in all the Departments of the Administration.

It is impossible, by provisions in a constitution, to supply the want of knowledge, or virtue, or vigilance, in the people. If these are wanting, the strongest barriers will be overleaped or prostrated. But, happily, in our country, and I speak especially of the State from which I have the honor to be a representative, the people are the faithful guardians, by whom the purity, the spirit of the Constitution will be most strenuously defended. The letter of the instrument may be evaded by cunning or corruption; the spirit is secured, reposing on the affection of millions of freemen.

If the member from Norfolk is to be deprived of his seat, on what ground, let me inquire, will the House decide? Let him, at least, have the consolation of knowing whether he is disqualified because his "local existence" was not in Massachusetts at the time of the election, or because the intention of returning was not sufficiently established, or because he married a wife in this city, or, lastly, because he held a subordinate office in an Executive Department; or, if not for either of them, severally, whether the disastrous result is the consequence of all these causes conjointly?

I trust, however, the decision will be in favor of the member; in favor of the Constitutional elective franchise; in favor of the respectable majority of his fellow-citizens, who have already passed judgment upon the very point now in controversy. Such a decision, I am confident, will bear the test of sound argument and clear conceptions of the Constitution; a decision won by reason against prejudice, and which may, therefore, be safely cited as a precedent to the remotest period of our political history.

When Mr. Fuller had concluded—

Mr. J. T. Johnson, of Kentucky, addressed the Chair as follows:

Mr. Chairman: I should not have troubled the Committee on this occasion, but from a deep conviction of the importance of the question about to be decided.

Having determined to submit my views at some period of the debate, I avail myself of the present moment, while the subject possesses both novelty and interest. The qualifications of a Representative to Congress are prescribed by the Constitution of the United States.

At the period of his election, he must have attained to the age of twenty-five years, been seven years a citizen of the United States, and an inhabitant of that State in which he shall be chosen. Congress, in the plentitude of Constitutional power, has no right to increase or diminish these qualifications.

The question under consideration is confined to the sole inquiry, whether, at the time of election, the sitting member was an inhabitant of the State of Massachusetts; in other words, whether his absence, at that period, was temporary or permanent; whether or not he intended to renounce his citizenship in his native State?

The inquiry involves a matter of fact, as to the permanent home of the party; and I shall attempt to establish the position, that the intention to return, in cases of absence, constitutes the pivot upon which the decision must turn. If any other rule be adopted, a citizen may be disfranchised against his consent. In truth, gentlemen who substitute a different rule are at war with themselves.

It is admitted by some that our foreign Ministers and Consuls, and the Secretaries of the different Departments located within this District, continue to be citizens and inhabitants of the States from which they have been selected, and are constitutionally eligible as Representatives in Congress. Others deny this position, so far as regards the Secretaries of the different Departments, and advance the principle that foreign Ministers, Consuls, and commercial agents alone, are embraced in that liberal rule of construction which prevents a forfeiture of citizenship and inhabitancy in their respective States; and that those only who compose this class during their absence are eligible to a seat in this body. Both concur in the exclusion of a clerk, who is equally in the employ of the Government of the United States.

This diversity of sentiment, with those who oppose the sitting member, added to the doubts and difficulties expressed by other intelligent members, should impress us with the necessity of pausing, and deliberating maturely, before we disfranchise, for the time being, a portion of the citizens of Massachusetts.

In case of bribery or corruption, it is the solemn duty of this House to interpose, and preserve unsullied the representative character. But, to the honor of the Representative, and to the people, of that Congressional district, no such practice is alleged or pretended. The choice was voluntary, proceeding from the impulse of unbiassed preference. We should then be cautious how we trample on the right of suffrage, and stifle the voice of the people. It is a right which should never be denied, except in cases where there is a clear and explicit Constitutional inhibition; in cases where there exists no reasonable doubt of the ineligibility of the member returned. I have deemed it my duty to examine into the meaning of this Constitutional clause, which, as a qualification for a Representative in Congress, requires that he shall be an inhabitant of the State in which he is chosen; and the result of that examination has been satisfactory.

Let us confine our attention, for a moment, to the definition which the report of the committee has given to the word "inhabitant." The general definition given confines it to "locality of existence."

As a necessary and irresistible consequence of this definition, *we* are all inhabitants of the District of Columbia—or we may be inhabitants of any State, Territory, or foreign country, where we may happen temporarily to reside in the transaction of private or public business. This is certainly a fair inference from the premises; but it is too palpable a violation of common sense to meet the sanction of this body. What is the principle advanced in the report of the committee in relation to foreign ministers? They wisely abandon this rigid rule of construction, which declares that inhabitancy follows the person wherever he may have "local existence." They expressly admit that foreign ministers are not only citizens, but also inhabitants of their respective States, although transported to foreign countries, many thousand miles from their own shores; and, though they may have resided abroad for a number of years, no right has been impaired, nor any privilege abandoned by this temporary absence. By this identical clause of the Constitution now under consideration, they are secured in these rights and immunities, and eligible to a seat in Congress, although elected while absent in the service of the Government.

It is the right of the people to make the selection, and Congress had no right of dictation. The sovereignty of the people is involved in the choice; and, upon the principle of representative government, it would be usurpation to interfere.

Cases precisely in point, such as the election of foreign ministers, during their absence from this country, have occurred. Such a case now exists in this body. No opposition has been made to it. All have yielded their full assent. To what conclusion does this principle conduct us? Doubtless the very principle which actuated the constituents of the sitting member. This is the principle for which I contend, and it has already been conceded.

We are now driven to the necessity of ascertaining the permanent home of the party. In cases of absence on public employment, or on private business, if doubts arise as to the intention of the party to return, we must resort to facts as the only safe foundation on which to rest our decision. In the nature of things it is impossible to avoid this inquiry. Was the absence permanent or temporary? I appeal to the candor of those who believe in the eligibility of the Heads of Departments located in this City, and of foreign Ministers and Consuls residing abroad, to draw the line of discrimination, which would exclude the sitting member. I hope we are not prepared to adopt a liberal rule in relation to those who have been most favored by the patronage of the Government, and to exclude those who are less elevated, because their duties are more humble, though equally indispensable. The Constitution recognises no distinction of rank—no exclusive privileges. Merit is the sole basis of distinction. As citizens, the Heads of a Department and Clerks are upon an equality. The Head of the Department has a larger salary, and may share more honor than the clerk who performs more of the drudgery of the business; but no Constitutional advantage can be claimed in virtue of this public favor. The tenure of office is the same. Each is subject to the will of his superior. Either may resign, or the offices of both may be abolished. Ministers and Consuls, wherever located, are placed precisely in the same condition; and we are not authorized by the Constitution to change the rule. Why we should attempt to vary it in this case, is unaccountable.

The greatest difficulty, as to the intention of the party, is this: that the sitting member is not surrounded with wealth—as to property, his condition is humble. If he were possessed of an extensive paternal inheritance—if he had left behind him a large domain and splendid domicil, it would not require the testimony before us to induce a belief that he intended to return to his native State. I believe, sir, the most incredulous would have admitted the fact. This is one of the disadvantages of poverty. I know how to sympathize with those who are not blessed with affluence. Sir, I will not disbelieve the positive testimony which declares the fact of his uniform intention, up to the time of his election, not to renounce his citizenship, and his determination to return to his home in Massachusetts. Believing, as I do, that he was constitutionally eligible, I feel more desirous that his rights, and the rights of his constituents, should be fairly presented and impartially decided.

What are the facts in the case before us? The member is a native of Massachusetts; he is intimately acquainted with the policy and interest of that State; he is presumed to participate in the feelings of his immediate constituents; he has been reared up in the bosom of that society, where his father still resides, and is bound to them by the strongest ties; he has been honored, on several occasions, with a seat in their State Legislature. A few years past, he was appointed to discharge the duties of a clerk in the State Department, within this District; that trust was accepted, with the positive declaration that he did not intend to reside here permanently; that he did not intend to renounce his native State; and that Massachusetts was his home. During his residence here, he boarded at a tavern, until within some few months previous to his election, and occasionally returned to Massachusetts. He purchased no property here; and that which he possessed, consisting of near eight hundred volumes, was left in that State. He has uniformly avowed his citizenship in Massachusetts, and has declined all participation in the concerns of this District. His constituents and himself had intercourse with each other, and understood, much better than we can know, the relations which existed between them. Considering him a citizen and inhabitant of their State, they called upon him to know whether he was willing to serve them in Congress. He yielded to their solicitation, and was elected by a majority of all the votes in the district. No person has claimed his place. But his eligibility has been contested, in a remonstrance signed by twenty-six persons only, and enclosed under a blank cover, to a member of Congress, and we are called upon to vacate his seat.

I contend, that the words "citizen" and "inhabitant," are words of a similar import, so far as this clause in the Constitution is concerned. They are synonymous as regards eligibility to a seat on this floor.

To render this subject more plain and familiar, I remark, that continued residence is not essential to either; that there is a perfect analogy as to the permanence of the settlement.

The committee have resorted to *Vattel's Law of Nations*, for a definition of the term "inhabitant." The essential part of it is in these words: "the inhabitants, as distinguished from citizens, are strangers who are permitted to settle and stay in the country." Is this the exposition that should be given to that term, as used in our Constitution? Permit me to illustrate this position by a plain case, in order to test its correctness. Suppose a citizen of an adjoining State should go into the State of Kentucky, and there take a temporary residence, in the transaction of private business, with the avowed intention of returning to his home, and a family that he had left behind him—would he be eligible to Congress from Kentucky, during this temporary residence? I presume none would contend for such a doctrine. Nor need we apprehend the least danger, that the people will ever become so regardless of their own interests, as to elect a person under such circumstances. And why? For this important reason, that he would remain a citizen and inhabitant of an adjoining State. Yet, the definition from *Vattel* connected with "local existence," would contravene this obvious position.

I can never subscribe to such doctrine. There must be an intention permanently to settle, to make him an inhabitant. Citizenship, being a term of the most extensive signification, includes inhabitancy. A citizen is always an inhabitant, within the meaning of the Constitution. So far as regards the offices of the Federal Government, they stand on an equality. Such equality exists in the State Government, except so far as State laws have required a certain period of settlement to confer eligibility. With this exception, they are entitled to the same privileges, and subject alike to the requisitions of the State authority.

Who has denied that the sitting member is a citizen of Massachusetts? If a citizen, he must be an inhabitant. He might forfeit his citizenship in Massachusetts by a permanent settlement in another State, where he would immediately become eligible to Congress; and this might happen before his residence in that State had been of sufficient duration to entitle him, according to its laws, to all the rights of a citizen. Thus, a citizen is always an inhabitant, but an inhabitant is not always a citizen. No individual can properly be regarded as a citizen of one State, and an inhabitant of another. If he could be so considered, this gross absurdity would follow, that he would be eligible to Congress, at the same moment, from two different States; for citizenship cannot sink below inhabitancy; and it will scarcely be contended, that a citizen is ineligible while the Constitution confirms the inhabitant in the enjoyment of this right.

This brings us back to the only safe and Constitutional rule, that, when absent from our respective States, whether on public or private business, the intention of the party is the proper subject of inquiry. We are triumphantly asked by the gentleman from New York (Mr. Storrs) if a Territorial government were extended to this District, and an individual who had removed and married here, were elected a delegate to Congress, whether he would not be an inhabitant and entitled to his seat? Without qualification or explanation, I answer, he would. But, in return, I reply, if the party had uniformly claimed citizenship elsewhere, and invariably disclaimed any other than transient residence here, he would not be eligible.

Other cases are supposed, presenting more difficulty, where the intention of the party is problematical. Such cases do not properly test the principle advanced, but always fail in the important requisite of happy illustration.

I will state a case of frequent occurrence, falling within my own observation. A friend, within my district, has purchased a farm in Louisiana, and cultivates it with the greater part of his force, in the growing of cotton. His family resides on his farm in Kentucky, and, during the year, he spends a portion of his time in each State. Is he an inhabitant alternately of these States, as he may occasionally reside in the one or the other? Or, is it necessary for me to say, that, in accordance with the soundest rules of Constitutional construction, he is a citizen and an inhabitant of Kentucky. The decisions of the first judicial tribunals in our country, fully exemplify and sustain this position.

A citizen of Virginia has resided many years in Kentucky in the transaction of private business. He has uniformly claimed citizenship in Virginia; and, for the adjustment of his titles to land, suits have been prosecuted by him in the Federal court. Objections were made to the jurisdiction of the court, and overruled, upon the ground that he was a citizen of another State. The great principle established in these cases is this: That no person shall be compelled to expatriate himself or to remove his citizenship. Shall we, then, compel the sitting member to renounce his native State against his own consent and the consent of his constituents?

If this be a doubtful question, what should be our course? Leave it with the people. There is the safe deposite. Reverse their decision, and you may trench upon their rights. You may do violence to the most inestimable privilege—the privilege of self-government.

But it is said that we may establish a dangerous precedent, by which the influence of the Executive Departments will eventually prevail over the virtues of the people.

Such suggestions are not the result of a cool, deliberate judgment. The Executive has the power to appoint members of this body to offices of the highest responsibility. If the Constitution permits this, without danger to our liberties, much less is danger to be apprehended from the case under examination. And if, by possibility, Executive patronage could be so exerted as to procure the election of an individual to Congress, who was absent from his district, might not this influence be much more easily extended to an individual who was present at the canvass? In either case the result cannot be dangerous while the decision rests with the people. I am not a convert to the doctrine, that you are to save them from their own worst enemies—themselves. They know their own interests, and my confidence is based upon their virtue and integrity, and not upon these technical barriers. You cannot corrupt the great body of the people. In small bodies only corruption wields its force.

The report of the committee affixes to the word "inhabitant," the definition which belongs to the word "resident." The journals of the Convention show that the word *resident* was stricken out, and *inhabitant* inserted. This was done for some purpose. The word *resident* carries with it no definite idea beyond that of "local existence." At this time I am a *resident*, but not an *inhabitant* of the City of Washington.

Residence may be temporary or permanent. Inhabitancy is a stronger term—permanency is its essential characteristic. It means a settled home, with the intention to dwell and remain there indefinitely; and temporary absence no more affects it than it does citizenship. Inhabitancy does not depend on the contingency of owning property, but upon intention alone. Shall we then vacate the seat of the member on mere presumption, against matters of fact?

The case of paupers has been noticed in the report of the committee. With what view cannot be clearly ascertained. The object would seem to be, to furnish a rule applicable to expatriation. The reference is unfortunate, and by no means correct. There is no analogy in the two cases. In relation to paupers, a rigid construction has ever been applied; but to the representative principle, a liberal construction has always prevailed.

The reason is obvious. The rights and interests of the people are advanced by a liberal construction in the one case, and a rigid one in the other. But, in the question before us, we need not resort to construction. The sitting member declares himself an inhabitant of Massachusetts, and his constituents recognise him as such.

The evidence is conclusive; the uniform declarations of the party; the evidence of several persons of high character sustaining and corroborating these declarations; his refusal to exercise the privileges belonging to the inhabitants of this place; his boarding at a tavern; having left his property in his native State; the correspondence which took place between him and his constituents; the manner in which he was elected. With this volume of evidence before us, shall we proclaim to his constituents that their confidence has been misplaced in the election of a person who is alienated from their State and a citizen of this District?

The principle to be decided, though important to the sitting member and his immediate constituents, is much more so to the people of this country. For, to the free exercise of the elective franchise, we must look for the stability and duration of this happy republic.

When Mr. JOHNSON had taken his seat, he was followed by Mr. WOOD, of New York, who stated the result of law decisions on the subject of domicil, and united in opposing the committee's report.

Mr. WILLIAM SMITH, of Virginia, remarked, that this case submitted but a single proposition for the consideration of the Committee. The right of the sitting member to a seat in this House is contested upon the ground that he was not an inhabitant of Massachusetts at the time of his election. The language of the Constitution is explicit, and if he were not an inhabitant of that State, when elected, unquestionably he is not Constitutionally and rightfully here. But, Mr. Chairman, before we deprive him of his seat, we ought to be satisfied, beyond the possibility of rational controversy, that the letter and spirit of the Constitution have been violated by his election. What, sir, are we required to do? The Committee of Elections, after a very patient and laborious investigation of the facts and principles of this case, conclude an able and elaborate report, with the declaration that the sitting member is not entitled, and the House is called upon to yield its assent to this result. However much we may confide in the intelligence and good sense of the committee, our agreement will be withheld, if a reasonable doubt be entertained, and this for reasons which, to my mind, are obvious and conclusive. The sitting member is decidedly the favorite of the people of his district. He has been sent here by an overwhelming majority, after a full and fair expression of the public will, and we all know that there is no one claiming the seat which is now sought to be vacated. Should he be excluded, therefore, what will be the consequence? His place will not be immediately supplied. Possibly his district may be unrepresented the balance of the session, and we may do violence to one of the most inestimable privileges of an American citizen. What right, in this country, is held more sacred, dearer to the heart of every freeman, or of higher value, than the right of suffrage? Emphatically none. In the possession of this right, the humblest member in the community feels himself elevated to an immeasurable distance above the degraded condition of the miserable slave of power. No matter what may be his pecuniary circumstances; no matter how limited his share of the good things of this world, he feels, thinks, and acts as a freeman, and will always be found prepared firmly to resist the slightest invasion of a privilege secured to him by the Constitution and laws of his country, and which he knows how to value. It befits us, therefore, Mr. Chairman, to approach this great right with extreme caution and deliberation, and let us beware that we do nothing by which its efficiency may be impaired.

With these few preliminary remarks, Mr. Chairman, I will now proceed to offer, very briefly, some reflections upon the question submitted for our decision. And what is the question? It is this: Was the sitting member an inhabitant of Massachusetts at the time of his election? The investigation of this question naturally and necessarily presents another inquiry. *Quo animo*, did he leave Massachusetts and take up his residence in the city of Washington? Did he intend, forever, to abandon his native State, and settle permanently in the District of Columbia? This is emphatically the question. Is it, can it be doubted? If it be, a few remarks, I think, will suffice to prove, incontestably, that such is the true character of the question to be decided. Let me put a familiar case, and one of every day occurrence. An inhabitant of Maryland, Virginia, or any other State in the Union, possessed of but little visible property, goes beyond the boundary line of his State on public or private business, or for any purpose, no matter what. Will it be contended that, by this act, he loses his inhabitancy in the State from which he goes? Surely not. It must be conceded that, in such a case, the individual is uniformly considered, during his absence, as an inhabitant of that State from which he is thus necessarily absent. But, upon what principle? Clearly upon the ground that he does not *intend* to exchange his original residence for a permanent abode elsewhere. That this is the principle upon which he is regarded, during his absence, as an inhabitant of the State from which he goes, is too palpable to need a single remark. In support and illustration of this position, Mr. Chairman, that intention constitutes the true and only legitimate test of inhabitancy, I will, with leave of the Committee, present some additional examples. A citizen and inhabitant of Pennsylvania, distinguished for his enlightened and accurate views of the true policy and interests of this Government, is appointed, by the Executive, a Minister to some foreign Court. The appointment is accepted. He leaves this for the foreign country. After an absence of six, eight, or ten years, the people of Pennsylvania, in consideration of his long and useful services, elect him a member of either branch of the Congress of the United States: With what propriety could it be said that he was not an inhabitant of Pennsylvania, and therefore ineligible to a seat in the National Legislature? Not even a plausible objection could be made to his right. He would unquestionably be entitled to it; but upon what principle? Obviously upon the ground that, by accepting the appointment, he did not *intend* to settle permanently in the foreign country—an intention indicated by the nature of the appointment, the character of the service in which he engaged, and the political condition of the country to which he is sent, compared to the peculiarly happy and prosperous situation of this nation. If, then, in the case supposed, intention constitutes the true test of this term, *inhabitant*, why should it not in the case now under the consideration of the Committee? Can the two cases be distinguished? In what particulars do they differ? In both, the individuals were employed in the service of the Government, equally absent from their respective States, and holding appointments alike temporary in their nature. No substantial difference, Mr. Chairman, can be shown, and it does seem to me that a common principle ought to be applied to cases whose essential features are the same.

The history of the State from which the sitting member comes, furnishes some cases illustrative of the principle for which I contend, to one of which, only, will I now call the attention of the Committee. It appears, from the document which has been laid upon our tables, that the constitution of Massachusetts requires, as a necessary qualification for a Senator in the Legislature of that Commonwealth, inhabitancy for five years immediately preceding his election. I have not examined the constitution of that State, but I presume the provision has been correctly quoted. It also appears, from the same document, that the Secretary of State, in answer to one of the interrogatories propounded to him by the committee, states that he returned to Massachusetts, from his foreign mission, some time in 1801; and in 1802, after a short residence of six or eight months only, was elected a member of the Senate of that State. What principle was it that entitled the Secretary to a seat in that body? What the test of inhabitancy in this instance? Unquestionably the *animus revertendi*, the intention to return to his native State. It was the continued existence of this intention that prevented, during his absence, the loss of his political privileges. But, say the committee, this, and other cases of a similar character in that State, for any thing that appears to the contrary, passed *sub silentio*, and therefore no principle was settled. To this I have but a single remark to make. If Mr. Adams had opposition, the feeling in relation to such matters, which prevails in the section of country from which I come, and, I apprehend, in every other State in the Union, would no doubt have impelled the rival candidate to contest his election, had there been the slightest prospect of success. But, whether he had opposition or not, or whether his election was contested or not, to my mind it is perfectly clear that the Secretary took his seat in the Senate of Massachusetts, in 1802, upon a principle entirely defensible, and to the soundness of which I most heartily subscribe. It has been said, Mr. Chairman, that this case is distinguishable from the one now under the consideration of the Committee, upon the ground that Mr. Adams, as Minister, carried along with him the sovereignty of the nation, and, therefore, was to be considered an inhabitant of Massachusetts. The premises are admitted, but such a conclusion is utterly denied. Let it be conceded, for a moment, that, as he carried with him the sovereignty of the United States, therefore he is to be regarded, in reference to his rights in this country, as a citizen and inhabitant of the *United States*. With what propriety, permit me to inquire, can it be contended, that, for the same reason, he continued to be an inhabitant of Massachusetts? What, sir, an inhabitant of Massachusetts because he carried along with him the sovereignty of the nation! The idea is too refined for my comprehension, and, if I am not greatly mistaken, would startle any man of plain unsophisticated mind. With as much propriety might it be said, that he who speaks the French language, is therefore a Frenchman, or he who wears a coat made of foreign cloth, is therefore a foreigner. The attempted distinction cannot be established upon any principle of fair and correct reasoning. The position I maintain, Mr. Chairman, may I think, be also sustained and illustrated by reference to the proceeding of the Federal Convention, by which the instrument was framed, under which we are now deliberating. It is admitted that the draught of the Constitution, reported by the committee in 1787, employed the term *resident* to indicate one of the qualifications necessary for a member of Congress, and that this draught was subsequently amended by the substitution of the term inhabitant. But for what purpose? After the lapse of so many years, it is impossible to ascertain, with any sort of precision, the considerations which operated upon the Convention in making this alteration. The inducement, therefore, which led to the change, must, necessarily, be a matter of speculation. This Convention must have had some motive in making the amendment, and we cannot attach the same meaning to both terms, without attributing to them an idle act. My own impression is, (and, in this opinion, I am supported by the more matured and better informed judgments of others,) that the amendment was made under an apprehension, that a literal interpretation of the word *resident*, might prevent the election of any man, however enlightened, however distinguished for talent and information, unless he was living, residing, and actually present in the State at the moment of the election. To guard against this result, which the wise men who framed the Constitution never could have contemplated, *inhabitant* was inserted, under a sound construction, whereof any one absent from the State, but having the *animus revertendi*, and possessing the other qualifications indicated by the Constitution, may be elected a member of the Congress of the United States. The Committee of Elections, in their report, have said that the word inhabitant comprehends merely the simple fact, *locality of existence.* Well, sir, according to this new, and very contracted exposition of the term, we who are here assembled, are all inhabitants of the City of Washington. Is it possible that an interpretation, which makes us inhabitants of this place, with or without our consent, can be correct? As I am not yet tired of Virginia, as I am still bound to her by the tenderest ties, as I would not willingly exchange my native State for any other State or Territory in the Union, (not intending, however, the slightest disparagement to any other,) I must be permitted to enter my most solemn and deliberate protest against this doctrine. I am not yet prepared, Mr. Chairman, to become an inhabitant of the District of Columbia, particularly in its present civil and political condition, and let me assure you and this Committee, that I shall most cheerfully leave it whensoever we shall have passed the necessary appropriation bills, and *gotten rid* of the proposed tariff, every item of which is the fruitful source of the *most able and eloquent debate.*

These considerations, Mr. Chairman, have induced me to believe that the true question, in this case, was one of intention. I admit that absence from one's State, for a long series of years, unconnected with any other fact, raises a violent presumption of an intention forever to abandon it. But this is nothing more than presumption, liable to be repelled by a variety of circumstances. Let us, then, see whether this presumption, if it could exist in this case, is not conclusively repelled. The uniform and repeated declarations of the gentleman whose seat is contested, that he always considered Massachusetts as his home, and intended to return, furnish an indication of his intention, which strongly addresses itself to our judgments. But it may be said, perhaps, that this avowal of intention, is the mere declaration of a party immediately and directly interested in the result of this investigation. In a court of stern, rigid law, such an objection might be successfully raised, but a deliberate assembly like this will not permit itself to be trammelled by technical rules and difficulties. It will look to all the circumstances. Why, in a court of law, are the declarations of a party excluded, which operate in his favor? Clearly because of the strong temptation to misrepresent. But does that reason apply in this case? Unquestionably not. These declarations were made long anterior to the election, and at a period, therefore, when there could be no possible motive to make false impressions on the public mind. I cannot, Mr. Chairman, for a moment, question the sincerity of the sitting member in all that he has said and written in relation to his residence here. It is seen in the uniformity and consistency of his declarations; for they were always the same. It is seen, in his regular and repeated visits to his native State, and in the further fact, that, after an absence of six years at one of the colleges in New Jersey, in the capacity of a tutor, he returned to his father's house in Massachusetts, and was honored with a seat in the Legislature of his native State. But, for the purpose of removing all possible doubts upon this subject, it may not be improper to advert to one or two other additional circumstances. An extensive and valuable library was left behind. This fact can only be rationally accounted for, upon the supposition that the sitting member never contemplated a permanent settlement in the District of Columbia, but always intended to return. If he did not so intend, is it not remarkable that his books, which constituted the greater portion of his visible property, were not either sold or brought on to this place? The one or the other course, in relation to his library, would most certainly have been taken, had he intended to settle permanently in this city, and his not adopting either, is a pretty strong and conclusive fact, to show that such was not his intention.

These facts, Mr. Chairman, taken in connexion with the facts, that Mr. Bailey has never in any manner participated in the privileges and burdens of the Corporation of Washington, or purchased a foot of ground in the city, although in the annual receipt of $1,600 for his services in the Department of State, have conducted my mind irresistibly to the conclusion, that he never contemplated a permanent settlement in the District of Columbia, and therefore, upon the principle which I have been endeavoring to enforce, is clearly entitled to a seat in this House. A remark or two more, and I will close my views on this subject. The Committee of Elections, in their report, have said that the Constitution contemplates an identity of interest and feeling between the constituent and representative. Be it so. The position is undeniably true—but is it possible seriously to believe that this feature in the Constitution will be violated by permitting Mr. Bailey to retain his seat, when it is recollected that he is a native of Massachusetts, that he was born and raised among the people he now represents, that consequently he is intimately acquainted with their character, feelings, and interests, and that, having been honored with the most important and responsible office within their gift, he must therefore feel the very strongest attachment for them? I think not, sir. This feature will remain untouched, should Mr. Bailey be permitted to retain his seat in this House, and I cannot but think that those who entertain the opposite opinion, indulge ideal and unfounded fears. I would not approach the Constitution of my country irreverently. I would not invade a single provision in that sacred instrument, for the purpose of attaining any object, however desirable; but, as I can see nothing in it which requires that the seat of the sitting member should be vacated, as I would not lightly interfere with the free and unbiassed exercise of the elective franchise, and as I have great confidence in the virtue and intelligence of the people, I feel myself bound by the sternest mandates of duty, to vote for the proposition submitted by the gentleman from Louisiana, to reverse the report of the committee.

Mr. Randolph, of Virginia, made a short speech in support of the report, and against the right of the sitting member.

The question was then taken on the motion to strike out the word "not," and decided in the negative—ayes 55, noes 105.

So the Committee of the Whole refused to reverse the opinion expressed by the Committee of Elections, adverse to Mr. Bailey's claim to a seat.

Mr. Randolph then moved that the Committee rise, and report their concurrence with that report.

Mr. Bailey expressed a wish to address the House, and was desirous that the gentleman from Virginia would withdraw his motion, and suffer the Committee to report progress, and ask leave to sit again.

Mr. Brent opposed the motion of Mr. Randolph.

Mr. Cook questioned its being in order.

Mr. Fuller moved to report progress and ask leave to sit again.

The Chair pronounced this motion out of order, as it was not yet four o'clock, and the rule of the House forbade such a motion in Committee of the Whole, before that hour, unless to ask leave to sit on a day subsequent to the next succeeding one.

Mr. McDuffie contended that the rule did not apply, and appealed from the decision of the Chair.

Some confusion ensued. Several members were up at once. The appeal was withdrawn, and, after much altercation, the question was taken on reporting and asking leave, and decided in the negative—ayes 79, noes 86.

The question was next put on reporting the resolution of the committee without amendment, and carried.

The hour of four having by this time arrived, Mr. Fuller renewed his motion to rise, report progress, and ask leave to sit again, which was carried.

The Committee rose accordingly, reported the resolution, and asked leave to sit again; and the question being put on granting leave, it was decided in the affirmative—ayes 84, noes 80.

And then, on motion of Mr. Culpeper, the House adjourned.

[The grounds on which this question rests, will be best understood by comparing the report of the Committee of Elections with Mr. Bailey's reply. It may be necessary, summarily, to state that Mr. Bailey, when elected by his constituents at Norfolk, in Massachusetts, was, and for several years had been, residing at Washington, performing the duty of a clerk in the Department of State, and had married in this city; but had taken no share in municipal concerns here, and constantly declared his intention to return to Massachusetts, where his home was stated to be, and where he possessed a valuable library. It is contended by the Committee of Elections, that he was not an "inhabitant" of Norfolk in the sense of the Constitution, but was an inhabitant of Washington; it is insisted on by Mr. B. and his defenders, that, though actually resident at Washington, this residence was temporary, his home was in Norfolk, and he was, therefore, an "inhabitant" of the latter place, within the meaning of the Constitution, and was to be considered on the same footing with foreign Ministers, who, though bodily absent, on public service, retain, nevertheless, their homes in their own States, and are eligible to Congress, &c.]

Thursday, March 18.

Mr. McCoy, from the Committee of Claims, reported a bill for the relief of J. M. C. Montgomery; which was twice read and committed.

Mr. Owen offered the following resolution:

"*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of making provision, by law, to secure to all persons who have planted on public lands, the privilege of gathering the crops, when the lands shall be sold by the Government while such crops are standing."

Mr. Owen supported the resolution in a few remarks, which were supported by Mr. Isacks, and opposed by Mr. Whipple. Mr. Owen rejoined—and Mr. Henry advocated the resolution at considerable length.

Mr. Whittlesey moved an amendment, by adding, after "public lands," the words "relinquished by Government."

Mr. Rankin explained the state of the facts; on which Mr. Whittlesey withdrew the amendment. Mr. Moore, of Alabama, then supported the original motion, and Mr. Sandford took the same side, stating the circumstances of the early settlers. Mr. Whipple replied. Mr. Moore, of Alabama, rejoined. Mr. McCoy, farther opposed the resolution. Mr. Sandford explained. And, the question being taken, it was decided in the affirmative—ayes 83, noes 69.

MR. BAILEY'S CASE.

The House then passed to the orders of the day, and took up the report of the Committee of Elections, in the case of John Bailey.

Mr. Mallary, of Vermont, delivered his views of the subject, in opposition to the report, and in favor of the right of Mr. Bailey to his seat.

Mr. Foot, of Connecticut, took the same side, and replied to the speech delivered yesterday by Mr. Randolph.

Mr. Cook, of Illinois, made a speech in favor of the same view. He was answered by Mr. Storrs, who opposed the right of the sitting member, in the following remarks:

Mr. Storrs said that the vote of yesterday in the Committee was so decisive, that he had not expected that the debate—if that might be so called which had hitherto been almost exclusively confined to one side of the question—would have been renewed to-day. From the very limited share which the majority has taken in the discussion, gentlemen may have been encouraged to believe that their views of the case have been unanswerable. Their perseverance seems to call for some examination from this side of the House of the principles on which it has been so confidently, and continues to be pertinaciously, insisted that the member is entitled to his seat. He was much gratified, as a Constitutional question was to be settled, that the vote had been so large in approbation of the resolution reported by the Committee of Elections. It has been very justly considered that the precedent to be established was of great moment. It concerns, said Mr. S., the political rights of every citizen who has voluntarily placed himself in the same predicament with the gentleman who claims to be considered here as a representative of the State of Massachusetts; it affects the elective right of the people; but it most especially concerns the political purity of this House. It is the first occasion which has called on the House to settle the construction of that clause in the Constitution which is drawn in question, and which must test the eligibility of a numerous class of persons, eminent for their personal respectability, and distinguished by their public stations. To those who come after us the principle of our decision should be known. The member himself, and those who have sent him here, have a moral right to the reasons on which we justify a decision which excludes him from this body, and the nation has a deep interest in whatever touches or may affect the independence and purity of their Legislature.

Mr. S. said that he was strongly inclined to think that the seat of the gentleman was vacant on one ground not alluded to in the report of the committee. He was elected after the 4th day of March last—on the 8th day of September. At both these periods he held his office in in the Department of State, and continued to hold it until a few days before the commencement of this session, (the 21st day of October,) when he resigned it. I am aware, said Mr. S., that when a similar case arose in the 16th Congress, it was determined that under such circumstances the seat was not vacant. The majority in that case, however, was less than the number of those voting who stood in the same predicament. I was at that time unavoidably absent from the service of the House, and the question was brought up during my absence; but I then thought, from the examination which I had given to it, that the continuance in office to so late a period was at least incompatible with the acceptance of the seat under an election, if not an evasion, and inconsistent with the spirit of the Constitution. It was not his intention now to seek to disturb that decision, or to revive its discussion. He was disposed to acquiescence in it, in the case now before the House, because he thought that, under another clause in the Constitution, the gentleman was clearly disqualified from sitting here as a member from the State of Massachusetts. There is no essential difference of opinion on the facts. He resided in Massachusetts, his native State, until the year 1817, when he accepted an appointment under the Government, in the Department of State; removed to this city, where he subsequently married, and has resided with his family to the present time. Nor does it appear that he has even been in the State of Massachusetts during the past year, or since his election, or resignation, at all; or that he has any domestic establishment there, or any estate, except some packages of books, which have been denominated a library. Was he, then, an *inhabitant* of that State *when elected?* The Constitution declares, that "no 'person shall be a Representative who shall not 'have been seven years a *citizen* of the United 'States, and who shall not, when elected, be an '*inhabitant* of that State in which he shall be 'chosen." It has been asked of us to point out the distinction which exists between a clerk in the Department and the heads of the Departments—as if it had been admitted that the persons at the head of these Departments were eligible. I make no such distinction, or admission. If the incumbents of these offices reside here, under like circumstances with the gentleman from the district of Norfolk, their eligibility to this House is in the same peril; and they must submit to the same Constitutional disqualification. To those who have expressed alarms that we might violate the right of the citizen, it is enough to say, that the Constitution itself has in this respect restricted them. It has superadded to the capacity of eligibility of all citizens, the further qualification of inhabitancy in the State. Their personal rights are secured in all the States, under another clause in the Constitution; but their political rights are necessarily subordinate to further qualifications. The question before us is, What constitutes an inhabitancy of a State, in the political sense intended by the Constitution? Or has not the gentleman whose seat is questioned, become an inhabitant of the District of Columbia? It is not a safe or proper rule, in ascertaining the sense of this word "inhabitant," to resort to the signification of it as used in the different States. It may import a different sense in every State, and no uniform rule could be devised in seeking from these sources for its meaning. It is used in a great variety of interpretations: often fixed by statute and by local usage. In reference to the settlement of the poor, or the right of voting, in various States, different regulations of the meaning of this word prevail, which import various dissimilar qualifications. In many of the States a person may be an inhabitant in one sense for some purposes but not for others. The Constitution refers to none of these, as a definition, and to attempt to confine it to any one of them is a mere gratuitous appropriation of some particular meaning derived from our local sense of the term. Nor is this plain word shrouded in any of the technical mystery in which some gentlemen in this debate have endeavored to envelop it. We have heard, on yesterday and to-day, of inhabitancy in *esse*, of inhabitancy in *posse*, and inhabitancy in *abeyance*. These may be very learned technicalities in legal science, but the framers of this Constitution could never have dreamed of these ingenious mystifications of this word. Believe you, sir, if the Convention had been asked its meaning, that one would have answered with the gentleman from Illinois, (Mr. COOK,) that a person removing to another Territory or State, to discharge the duties of a public office located there, had left behind him an inhabitancy *in esse?* Another, that, with another gentleman, he considered that it might, under any circumstances, designate an inhabitancy in *abeyance?* Or that it was to be assimilated to what has been called in this debate the *domicil* of *goods?*

Let us discard, sir, these subtle refinements, which only lead us from perplexity to absurdity, and construe this Constitution as we should, according to the plain common acceptation of words. It is a question of common sense merely. The gentleman has resided in this city more than seven years; his family are here; his dwelling place is here; it is his home. He is eligible to any office under the corporation of the place—a subject of taxation in the District—liable to jury duties. I repeat the question which I put to the Committee before. It has not yet been answered. If this District was entitled to a delegate in this House, whose qualification should be that he was an inhabitant of the District of Columbia, would he not be eligible to the place? Is he not now entitled to every privilege or right of an inhabitant of this District, be those rights what they may, civil or political? These questions must be answered in the affirmative; and, unless it can be shown, that he has a sort of double capacity, which may constitute him an inhabitant of two distinct places at one time, and furnish him with two different domicils, he must be considered as an inhabitant of this District. What the nature of his rights may be here, or their extent, is a question of no importance. Be they greater or less, he is entitled to them, whatever they may be. It is enough for us that he has become an inhabitant of the District, and has lost his inhabitancy in Massachusetts, and is thereby rendered obnoxious to that clause of the Constitution which forbids his eligibility in that State.

Against these plain conclusions of common sense, it has been maintained, that he is, nevertheless, to be considered, for the purpose of eligibility, an inhabitant of Massachusetts. It is so contended, for the alleged reason that the removal of a person to this District, for the purpose of executing a public office, shall not work a dissolution of his inhabitancy in the State from whence he comes; but that he shall still be deemed to retain his inhabitancy as a citizen of that State. This doctrine can only be maintained on ground derived either from the peculiar political relative situation of the District, or the nature of a public office or employment. What peculiarity, sir, exists in relation to this territory of ten miles square, not common to all other territories of the United States? We have the "power of exercising exclusive legislation in all cases" over it—a phrase which denotes unlimited sovereignty. We are sovereign here precisely in the same sense, and to the same extent, as over all national territory. The same jurisdiction, for the same purposes, to an unlimited degree, we enjoy over them all. Inhabitancy in this District is precisely of the nature of inhabitancy in any other territory of the United States. Are gentlemen prepared to maintain that all the emigrants to the Arkansas, Michigan, or Florida Territories retain their inhabitancy, under any technical notion, in the respective States from which they went? or if a different rule is to be applied to their case, I hope gentlemen will point out in what particular such a difference exists from this District, and on what principles it is founded. Is it possible that inhabitancy may be acquired in these Territories by removal to, and settlement in them, and not in this District? It is a distinction altogether untenable.

Is there any thing, then, in the nature of the public employment, or the locality of the duties of the office, which can justly create a distinction? Had the gentleman been appointed collector of the port of Norfolk, to which place he had removed, where he had married, and resided seven years, he would clearly be eligible to this House, as an inhabitant of Virginia. His appointment as a judge in the Territory of Michigan or Florida, and removal to the seat of his duties in such territory, would equally constitute him an inhabitant of the territory, and he would doubtless acquire the capacity of being eligible to this House as a delegate.

If the rule which gentlemen contend for applies to a removal to a Territory by reason of some saving power of original State inhabitancy derived from the nature of the employment, the same reason would preserve the inhabitancy on a removal to other States, and all public functionaries would thus retain or acquire the right of eligibility either in the States from which they removed, or which they had adopted, or both. By such an interpretation of the Constitution, all the registers and receivers of your Western land offices, the governors and judges of the Territories from Lake Erie to Florida, and your Indian Agents, are to be deemed inhabitants of their original States and eligible as such to this House. Mr. S. said he hoped gentlemen would also define the extent of this privilege of their original inhabitancy. Were they to be considered as inhabitants of the States from which they emigrated for any other purposes, and for what purposes? Would they be recognised in such States as inhabitants for any local purposes? or must not the argument result in the absurd conclusion that eligibility to this House is the only capacity which they retain during all their migrations? If any such anomalous and incongruous doctrine can be supported, let me, said Mr. S., put a case which has actually occurred and now exists. The present Treasurer of the United States removed from South Carolina to Philadelphia on the organization of the Government—he continued to reside at Philadelphia until the removal of the Seat of Government to this city in 1801. Had he been elected before 1801 as a representative in Congress from the city or county of Philadelphia, would it be seriously urged that he was not an inhabitant of that place, and for that reason ineligible? He has since removed to this city; and I ask whether, by this new doctrine, he is still to be considered as an inhabitant of Philadelphia, or has he been remitted back to his first inhabitancy in South Carolina, because this District is territory and not within any of the States—or for any other reason? It has been asked, in general terms, if we are prepared to disfranchise all who hold public offices in the District? No, sir, I am not prepared to outlaw them, if this is what is meant by the question. But, when gentlemen use these extreme expressions, it is well to examine how far the political right of all has been abridged in this respect by the Constitution. An inhabitant of one State is deprived of the right of being elected in all the other States. Is there any reason in the imagination of any part of the House, why this District, or those who are inhabitants here, should be more highly favored, and gifted with more unlimited privileges, than the inhabitants of the States? Where, then, is the disfranchisement which has been so often complained of and resounded in this debate, and in what does it consist? The inhabitants of this District are, in this respect, on a perfect equality with all others. If they have not the right of sitting in this House as members, the fault, if any where, is in the Constitution, which has denied the District a representation, because it is a union of the States and not of Territories.

But this view of the case has been supposed to be answered by the consideration that, on a removal from one State to another State, the person succeeds, in his new inhabitancy, to the same right of eligibility to Congress which he relinquished in the State from which he removed. The argument is founded in the notion that a person shall not be deemed to have renounced his original inhabitancy, because, by removing into this District, he succeeds to no continued eligibility, and shall retain, for that reason, this right, as if it had never been divested. If, however, his political rights vary, on his removal to a different State, and become enlarged or abridged, according to the positive institutions of the States to which, respectively, he may remove, there can be no force in this objection, or any reason why he should always carry with him the totality of rights which he may have previously enjoyed. His political rights change in all the States to which he may remove. He may, in some, become an inhabitant on a residence of a week—in another of a year. In one, he may not, until after a certain period, be eligible even to the State Legislature—in another, he may not be eligible to a particular branch of the Legislature without the quality of a freeholder—or to a fixed amount. He may not be eligible at all if belonging to some particular profession. All these rights may change in a day, on his removal to another State. Nor is there any uniformity even in his personal rights, in all the States. His rights are enlarged or abridged, accordingly as he shall, or shall not, voluntarily change his domicil. They are necessarily subordinate to the sovereignty within which he may choose to reside. If, by removing to this District, he loses his inhabitancy in his original State, it is his free act, and he must submit to the disability in return for the advantages, if any, which he may have supposed himself to acquire by changing his previous residence. The whole question, therefore, results in the inquiry, whether the facts, in the case, do not show a change of domicil—whether, under all the circumstances existing in relation to the residence of the gentleman in this city, he must not be deemed to have been so established here as to create an inhabitancy in this District? Had his residence here been transient, and not uniform; had he left a dwelling-house in Massachusetts, in which his family resided for any part of the year; had he left there any insignia of a home—furniture, or any property which usually accompanies a household establishment—all, or any of these, would be deemed indications that his domicil in Massachusetts was not abandoned. Instead of any indications of this nature, we find him here for years, discharging the duties of an office permanent in their nature—establishing domestic connexions in this city, and residing here with all the characteristics of a permanent inhabitant. Common sense seems to teach us that he is so—that he has emigrated from Massachusetts in search of better fortunes, which, perhaps, he has acquired. In forming my opinion, sir, I disregard the declarations which have been occasionally expressed by him, that he considered Massachusetts as his home—that this city was a temporary residence. Every man doubtless intends to change his domicil when better prospects elsewhere are presented. It is probable he came here for the enjoyment of the public office which he has held, and that, whenever it became convenient or necessary to leave it, he intended to return to Massachusetts, unless he could more beneficially establish himself elsewhere. All these vague and contingent intentions are entertained by every man.

Much has been said of the *quo animo* of the settlement of the gentleman at this place, and that we are to inquire whether he has continued to cherish, in fact, during his residence, the *animus revertendi*. It would be a strange perversion of the rule to which gentlemen allude, in this respect, to accept the declarations of a party, or even his actual intention, in the face of the facts. The *quo animo* is an inference, or conclusion of law, founded on fact. The law determines from the facts, whether the domicil, or inhabitancy, has been acquired or not. If the facts are clear, and all the legal characteristics of domiciliation exist, the party is not at liberty to assume or dispense with his legal character at his own pleasure. If the facts were doubtful or ambiguous, perhaps the declarations might be called in aid, or the actual intentions sought for, to determine what would otherwise be equivalent. But, in this case, the acts are of that clear and decisive import that it would be dangerous to resort to extraneous circumstances. I can well imagine cases of residence in this city, by public officers, under circumstances which might repel the legal conclusion of inhabitancy. Perhaps such may now exist. Every case must be judged of, however, by its own circumstances.

The circumstances of the case now before us call upon us to maintain with vigilance some of the most important principles of the Constitution—principles which were established for the preservation of the purity and independence of the House of Representatives. We are not only asked to allow a seat here to one whose inhabitancy is not *bona fide* among his constituents, but one who comes from the Executive Departments. If this District is to furnish members for this House, it is the more dangerous if they are to be educated under the immediate eye of their political patrons. The framers of the Constitution intended that a Representative here should come from the bosom of his constituents; that he should live among them; be conversant with their feelings, their wishes, and their wants; that he should know their political principles, and be identified with the people whom he represents. They entertained no notions of that technical inhabitancy which has been set up here to fritter away the most salutary purposes of the Constitution. The example of England was before them, where, under the form, though in mockery, of representative government, the Parliament was filled with placemen and pensioners. They never intended to turn the States of this Union into rotten boroughs, or to make this District the great and common rotten borough of all the States. There is something so pregnant with mischief to the character of this House, in the doctrines which have been advanced, and so threatening to its purity, that I feel as if, in giving up or relaxing the construction of this part of the Constitution, we give up the Constitution itself, or render it an idle mockery. If there is any thing to be feared in this Government, it is the corrupting influence of patronage. The Constitution considers all placemen of the Government as unfit to represent the people in the Legislative Department. I speak, sir, with no allusion to the gentleman whose seat is now questioned; but, all history and experience, our observation of human nature, and our knowledge of the motives and springs of human action, warn us to look with jealousy to any interpretation of this part of the Constitution which shall approximate to a relaxation of its spirit and intention. If we sanction the principle that the incumbents of office here are to be universally eligible in the States, I beg gentlemen to reflect what an enormous and irresistible weight of influence may be brought to bear upon the State elections, to promote the views of Government and fill this House with the creatures of Executive power. The patronage of Government in the States will be devoted to this end. The connexions of men in office here are powerful and numerous elsewhere. The officers of your Government, scattered throughout the Union, are multiplying every day. Dependent on Governmental favor, they naturally rally round the power which feeds them, and will be found subservient to its will. This vast machinery, when once organized and put in motion, will exercise a powerful control in the States, and the elections will feel the worst of all influence in a free Government. Candidates for this House, furnished from the Departments here, will be supported by your marshals, judges, and hosts of custom-house and other Executive officers of the States.

The Treasury of the nation will sustain, through the dispensations of Executive bounty, this pernicious system. We have no reason to believe that, in all our future history, Administrations may not be found, which might avail themselves of such means to sustain their influence in this House. The only barrier to Executive power is here—its only effectual restraint is in preserving the identification of this House with the people, and closing every avenue to the approach of Executive influence in our deliberations. Sanction the doctrine that the officers of the Departments are eligible, and we may find here, at some future day, a semi-official cabinet—a bench of ministers—men who have merely laid aside the forms of office, but whose political feelings and partialities and obligations centre in the Executive will; a packed Parliament—men who are taught to look anywhere, but where they should look for support, to the approbation of their constituents. Why has the Constitution prohibited any officer of the Government from holding a seat in Congress? It is, sir, because they are presumed to be politically unfit for legislation—because the influence of patronage is often too strong to be resisted—because their interests and partialities are not in unison with the mass of the nation; and because all experience has proved that they are the most pliant instruments of the power which supports them in office, and dispenses the public emoluments. On principles adapted to discountenance the same political evil, and to preserve a strict congeniality of feeling between the representative and the nation, the Constitution has required his inhabitancy among his constituents. If those who serve the public here, in the more elevated offices of the departments, or the subordinate places of the Government, are not contented to enjoy the public bounty and public honor of their stations; if they aspire to seats in the Legislature, the path is open and plain. Let them return to the States and resume their original inhabitancy—let them submit to at least some purification in an atmosphere untainted by the influences of power. When returned to this House, let them enter our doors representatives in heart, as well as in form of a people whose confidence has not been beguiled into their support, and who feel that, between them and their representative, there is some sympathy, some bond of intimate union which connects their interests with his own. I hope, sir, that we shall establish at this time, so far as our precedent can do so, an exposition of this part of the Constitution which shall not be misunderstood elsewhere; which shall maintain a close alliance between the nation and this House, and shelter it from those evils which otherwise may threaten its purity and independence, and which shall preserve it uncontaminated by that influence which, whenever successfully brought to control its measures, or mingle in its deliberations, will render the whole system a mere mockery of free Government.

Mr. Livermore rejoined to Mr. Storrs.

Mr. Campbell, of Ohio, said, most of the gentlemen who had preceded him in this discussion considered the question one of great moment. With them he was disposed to concur in opinion, and would say, as it involved the construction of an important clause of the Constitution, it deserved a full and patient investigation. If any question, said he, agitated during the present session, had, more than another, excited in his bosom an anxiety to arrive at a correct conclusion, it was the one now under consideration.

Mr. C. said the gentleman from Connecticut (Mr. Foot) has assumed a position which, he thought, was altogether untenable. He has gone so far, if he was correctly understood, as to intimate that the constituents of the gentleman, the right to whose seat is now disputed, are much more competent to decide on his qualifications than we are.

[Mr. Foot explained, and said he did not wish to be understood as denying this House jurisdiction.]

Mr. C. said, he supposed the gentleman had used language which, upon reflection, he would be inclined to qualify. The gentleman from Massachusetts, (Mr. Fuller,) who addressed the Committee yesterday, advanced a similar opinion. He has informed us the electors of the Norfolk district had long been acquainted with the sitting member. He had been born and educated among them. As his residence here had not suspended his intercourse with them, they knew his sentiments. They believed him eligible, and gave him their votes; that, therefore, this House ought to acquiesce in their decision.

[Mr. Foot explained, by saying the judgment of his (Mr. Bailey's) constituents was entitled to much consideration.]

Mr. C. said he thought so, too; but he would protest against the obligation of such a judgment. It could not be binding on us. It might awaken our vigilance, and induce us to approach a decision with increased care. The recognition of a different doctrine would leave but little to the performance of this body, under that clause of the Constitution which gives it authority to judge of the qualifications and returns of its members. For what purpose is this House required to pronounce sentence in any case of contested election, but particularly in one involving qualification, if the constituents of the returned member be the most competent judges? We constitute the legitimate tribunal; and he, said Mr. C., was, for one, prepared to perform his duty.

The gentleman from Massachusetts (Mr. Fuller) informs us the member from the Norfolk district had, after an absence of four years from the State, been elected a member of the Massachusetts Legislature; that gentlemen, highly respectable for talents, when consulted, declared him eligible, although the constitution of that State required a year's residence. These facts are urged with great force in favor of the member's eligibility to Congress. Upon examination, it will be found nothing conclusive can be deduced from them. Mr. C. asked, whether his election had been contested? He presumed not. If it had been, we should certainly have heard of it, as it would have added much to the weight of the argument. Hence, it is impossible to say what the result would have been had his right to a seat been questioned, as it now is. This disclosure of facts is very creditable to the sitting member. It proves he was popular where he had been long known. His great popularity, and the sameness of politics in his town, may have left him without a rival—without an enemy to contest his title to a seat. Mr. C. said the constitution of Ohio required, among other things, that a person, to be eligible to a seat in the House of Representatives, must reside at least one year next preceding his election, in the county which he may wish to represent. This clause, he doubted not, would render ineligible every person who might leave the State, and go into another to obtain a livelihood by teaching an academy, as the member from Norfolk is reported to have done. Indeed, he thought, in Ohio, this interpretation would not be disputed for a moment.

Gentlemen, in their liberal interpretation of the word *inhabitant*, say, those who support the principles of the report of the Committee of Elections appear to consider every person ineligible who is not *actually* a resident of the State at the time of his election; that this doctrine would preclude the idea of the eligibility of every one who might be absent on business, whether public or private, on the day of election. This, Mr. C. said, was gratuitous assumption on the part of the gentlemen. It was an abridgment of right. It was an inference which, he felt sure, could not be drawn from any argument he had heard. The rule which would produce this effect could not be a correct or useful one. What! disfranchise a citizen who might be sent on a foreign mission! Surely this could never have been intended. The character of a Minister is this: He is the representative of his country, in its sovereign or national capacity, in the one to which he may be deputed, without the forfeiture of a single right, although he ceases, for a time, to be an *inhabitant*. This is inferred from the necessity of the case. He would be a traitor to his Government if he attempted to become a citizen or subject of the Power to which he is sent. In the nature of things, by his actual change of residence he acquires no political rights. In the enjoyment of those which are essential to him in his representative character, he is protected by the law of nations. This is all he needs—this is all it is proper he should enjoy. An assumption of the civil and political condition of the country to which he might be sent, were such a thing practicable, would terminate his ministerial functions. As, then, he acquires none of those rights in the country of which he is an actual inhabitant, of which his removal, for a time, has interdicted him the exercise, it would be folly in the extreme to say, on his return, he should be classed with aliens. Yet gentlemen liken the case of the sitting member to that of a Minister to a foreign Court. Mr. C. said the similarity, if any existed, had, so far, eluded his observation. Indeed, it was plain to him there was none. The member from Norfolk, by leaving his native State, and locating himself here, has lost nothing. His immunities are not affected by the migration. What he loses there he acquires here. If he ceases to be eligible to office in Massachusetts, he is compensated by the acquisition of correspondent privileges in this District. At all events, no one can say, with any expectation of being credited, that he would not have been eligible had he crossed the river into Virginia, and resided there six years, as he has done in this city.

The gentleman from Illinois (Mr. Cook) has favored the House with an ingenious argument, but which, when tested, will be found inconclusive and unsatisfactory. He says we have two forms of Government, meaning the State and Federal—that to carry on the operation of the latter, the citizens of one State are sometimes sent into another, or into a Territory, in the character of officers; and that to say they lost the rights of inhabitants of the States which they might leave, would be violence to State rights, as each State had an interest in the service of its citizens. Mr. C. said this had frequently been the case, and the officers continued in the State or Territory, and enjoyed all the privileges of citizens; as in the case already mentioned, what was lost at one place was fully made up at another. Correlative rights press upon the emigrant, and he may enjoy them if he chooses. To make the case still more intelligible, Mr. C. said, he would suppose an inhabitant of the State of Illinois were appointed a register of a land office in Ohio, and were to move with his family there. What would be his relation in regard to the two States? Certainly his connexion with the first is severed, and a new one formed with the latter. Certainly he ceases to be an inhabitant of Illinois, and becomes a citizen of Ohio. To affirm the State he left is still entitled to his allegiance and service, would give a negative to the right of locomotion—a right which we see exercised every day without complaint, or any supposed prejudice to the right of the States.

The gentleman from New Hampshire (Mr. Livermore) contends, if the word *inhabitant* be properly defined by the Committee of Elections, no person can be eligible to Congress who is not *actually* in the State on the day of election. This, Mr. C. thought, was putting an extreme case. Such an idea he supposed no member whatever entertained. He was certain even the term "locality of existence," which had been examined with so much attention, was not intended to convey this sentiment. It could not be said *we* were not inhabitants, in the Constitutional meaning of the term, of the States we respectively represent, although in the District of Columbia. To declare we would be ineligible, should an extra session require our attendance here at the period of an election, would be an absurdity, without comparison. A case may be put to operate equally strong against the gentleman. The public architect came to this city six or seven years ago from the State of Massachusetts, with his family. He owns real estate, has built himself a house, and is entitled to all the privileges of a citizen of this District. Is he an *inhabitant* of Massachusetts? The answer is easy. Or, Mr. C. said, he would put a stronger case. He knew a clerk who emigrated to this place more than twenty years ago, from Maryland, had reared a family, and was the owner of houses and lots, and appeared located for life. Would the gentleman say he was eligible in the State from which he came? Surely not; or else it must be admitted a man can, at the same instant, enjoy the same privileges in two or more separate and distinct jurisdictions. Cases may be supposed, which prove nothing but their own folly. Mr. C. said his opinion was, we ought to give the word *inhabitant* a rational meaning—it ought to be construed to a common and judicious intent—not so as to impair rights, yet so as to guard against the evils designed to be prevented, which have been ably exposed in the report, and by the gentleman from New York, (Mr. Storrs,) and then applied to the facts, as they have been disclosed.

Such is the condition of man, such are his wants and necessities, as to require him to be employed in some avocation. To obtain a livelihood the means are diversified, as if to suit the versatility of genius. Some prefer a maritime life; others choose agricultural and mechanical pursuits; others seek the learned professions; and not a few depend on public favor for subsistence. The clerks of the different departments we know depend almost exclusively on their salaries for support. A clerkship is one of the many ways of obtaining a living. It was the sitting member's preference for the last six years, within which, we are informed, he intermarried. It seems to me, said Mr. C., a man's ordinary business indicates the "locality of his existence." What answer would a plain common sense man, acquainted with the circumstances of the case, give to this question? Of what place was the sitting member an *inhabitant*, at the time of his election? Would he not say of the District of Columbia? Let us say so, too. and support the resolution submitted by the committee.

Mr. Owen, of Alabama, addressed the Chair as follows:

Mr. Chairman: I shall be pardoned by the House for giving the reasons which influence my course, when it is known that I am in the minority. Were I of the majority, at this stage of the investigation upon this subject, I would not trespass upon your time, because the world and posterity always presume that the majority is right. This presumption is correct, sir; and, as this question will live beyond the existence of this Congress, and is to be handed down to those who follow us, as a precedent, with it, I wish to go the reasoning upon which my mind compels me to oppose so large a majority. Sir, I do not rise with the vain hope (for such it certainly would be) of endeavoring to change the opinion of this House, which has been so clearly manifested. It is true, that I should be much pleased were the majority to go with me, but not so, if induced by any power I possessed, when their settled opinion was to the contrary. I am the more anxious upon this subject, sir, because it is one of Constitutional construction—because it is one that strikes at the very root of the democratic principle of our Government. Were it upon a matter of expediency, or of mere policy, I should be almost indifferent on which side of this question I should be found. These, sir, are settled by opinion—by speculation—and there is scarcely any matter of policy, of deep national concern, that has not been tested by the experience of other Governments; and rare, indeed, are the instances arising from the peculiar formation of our Government, where this assertion will not hold good. But, sir, on the other hand, in ascertaining what the principles of our Government are, nothing of experience or history beyond our own time can afford us any light to direct our course. While the investigation of subjects of this kind are the most intricate that can be presented to an American legislator, they are, at the same time, the most unique and dependent upon the powers of the mind, unaided by experience, or influenced by precedent, for their correct decision. Questions arising upon the principles of our Government are to be examined by the charter of our liberty; we need not go beyond; to know what are its provisions, is knowing the principles of our Government. How are they to be known? By the rules, most assuredly, used in giving construction to the prescribed rule, by the sovereign power. We cannot, then, with too much caution approach a subject, in the investigation of which is involved the two main features of our Government; that is, the extent to which power is delegated, and the limitation beyond which it is restricted by the will of the sovereign power of our Government.

The people (for happy it is for our country that in them is vested the supreme power,) have, in prescribing our great rule of action, the Constitution, not only limited those by them appointed to administer the Government, in the exercise of power, but have restricted themselves in the discharge of duties which they have to perform. To us, sir, the responsible duty of preserving the Constitution from violation, is confided. We are the sentinels of the people's liberty. Whenever, therefore, the people, in the exercise of privileges reserved to themselves, act within the restrictions imposed by our Constitution, their act should be sovereign and uncontrollable. When they go beyond these restrictions, it is our duty to restrain them. At the same time that we guard against others, to preserve the purity of our Constitution, we should watch over ourselves, and never in the least transcend our delegated powers.

Pardon me, sir, for here remarking, that, with no little concern, have I, in the progress of our Government, within my limited observation on public concerns, discovered, as I thought, that, in any case where the Constitution was intended to limit the power of Congress, that this branch of it, at least to sustain its power, has ever given the most liberal and the greatest latitude of construction. Even, sir, during this session, have Constitutional questions been agitated, nay, thoroughly discussed, and the principles upon which they have been settled, are, that it should be liberally construed to effect and secure to the people of this nation the great purposes for which it was adopted—the prosperity of the nation and the happiness of the people; but, on the other hand, I do fear, were I to assert that Congress, at least this branch of it, in ascertaining the power reserved by the people to themselves, in the Constitution, that the most rigid and limited construction is given to support and sustain the restriction, the facts could be adduced to sustain its correctness.

Let not this case present us authority to support such a declaration; let us pursue the same rules of construction in testing the powers of the people under the Constitution as we do in ascertaining our own. Another principle, and I will endeavor to apply the case before us to these principles, which I think no one will doubt the correctness of. It is this: in giving the construction to the acts of sovereign power, the presumption is in favor of sustaining such acts; being understood to be right, to be strictly legal, until the contrary is proved. So it is with individuals in the discharge of lawful acts; the presumption is in their favor, until removed by evidence, by facts to the contrary.

What, then, is the question before this House? It is to concur in the report made by the Committee of Elections, which is to be settled upon the adoption or rejection of this resolution submitted by the committee, "That John Bailey is not entitled to a seat in this House." To sustain this resolution, the committee, though they have laid before you a long and elaborate report, submit the proposition that Mr. Bailey "is ineligible, 'not being possessed of those qualifications which, 'by the Constitution of the United States, are in'dispensable to the holding of a seat in Congress." Under this broad proposition, none but a single allegation is submitted to sustain it, and upon which the whole report is bottomed, that is, that "be'cause, at the time the election was held, at which 'the said Bailey was supposed to have been chosen, 'he was not an inhabitant of Massachusetts, but 'then was, and for many years before had been, 'and still is, an 'inhabitant' of the City of Wash'ington, in the District of Columbia;" notwithstanding the broad proposition that Mr. Bailey was "ineligible" for the want of "qualifications," but the single qualification alleged to be wanting is, habitation within the State from which he is chosen. The whole question then depends upon the single point. Was Mr. Bailey a resident of Massachusetts, within the purview and spirit of the Constitution? The committee have said that he was not, and to maintain this assertion, what is the testimony adduced?

The first is the certificate of the Governor of Massachusetts.

2d. A memorial by certain inhabitants of the district of Norfolk, in the State of Massachusetts.

3d. A statement of Mr. John Quincy Adams, Secretary of State.

4th. An affidavit of Mr. Charles Bulfinch.

And, lastly, a statement made by Mr. Bailey himself to the committee.

The certificate of Governor Eustis only states that, on a certain day, John Bailey, Esq., "was chosen by the people of this Commonwealth, (Massachusetts,) legally qualified there for a Representative to represent them in the Congress of the United States of America," &c. This establishes the fact of his election.

The memorial prays that Mr. Bailey be not admitted to a seat in this House, "because," by the first section of the first article in the Constitution of the United States, it is provided "that no person shall be a Representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen," and alleges the fact that Mr. Bailey was not an "inhabitant" of the State, but of the District of Columbia.

Mr. Adams states that Mr. Bailey was a clerk in the Department of State; that he continued to act in this station until after his election; that he was an inhabitant of Massachusetts, in the district he is now chosen to represent, at the time of his appointment of clerk. His residence during the time he held the office of clerk has been within the District of Columbia; he always considered Massachusetts as Mr. Bailey's home, and his residence in the District temporary, in the discharge of official duty only; gives his opinion that Mr. Bailey was *eligible*, upon the general principle of national law, that the "animus revertendi," or intention to return, constitutes the test of domicil; and, to sustain this, at the request of the committee, many instances are submitted, sustaining this principle in practice in Massachusetts.

The affidavit of Mr. Bulfinch establishes the residence within the District, with occasional absences on visits to Massachusetts—boarding at a public hotel until marriage; after which time, in the family of his wife's mother—represents that Mr. Bailey never exercised any privilege within the District—never held an office of the District, within his knowledge.

Mr. Bailey's statement corroborates the statement of Mr. Adams and Mr. Bulfinch, and adds, that he ever considered Massachusetts his home; that, within his district, in that State, was the seat of his property, consisting of a law library; that it had ever remained there, and that he considered it his home; alleges that he never held any office in the District of Columbia; that he always avoided the exercise of privileges within this District—never paid a tax, always considering Massachusetts his place of abode.

These, then, Mr. Speaker, we take to be the facts involved in this case, and none other can be brought into this investigation; none other having been submitted by the committee. Sir, if this resolution had not have been submitted, but the facts reported alone submitted, it does appear to me that precisely the opposite proposition must, necessarily, be founded upon such evidence; let us for a moment examine, and see if this remark is not entitled to some weight. The certificate of Governor Eustis proves the election—in my mind, sir, it proves more, so far as this is a question of fact, at least: it is the duty of the Executive of Massachusetts, by the authority of the State, to certify the result of a Constitutional discharge of duty by the people of that State; that duty is the election of a member of Congress; this officer acts under oath in the discharge of official duty, and this is a part of that official duty. It is to be presumed then, sir, that he has not certified to us that which the law prohibits; it is to be presumed, sir, that the Constitutional qualifications were possessed, the law presuming in favor of the correctness of the act of the certifying officer; so much then for the Governor's certificate. But, the Constitution correctly secures to each branch of the General Legislature, the sole and exclusive privilege of judging and determining on the "elections, returns, and qualifications, of its own members;" this, then, sir, and this alone, prevents the certificate of the Governor from being conclusive; but still, sir, the presumption exists, and that, which, in almost all other cases of like discharge of official duty, would be conclusive by reason of this provision, (universally admitted to be a wise one,) of the Constitution, is not so, unless supported by the circumstances of the case. What, then, are these circumstances? This brings me to the other facts submitted by the committee, all of which may be summed up in a very few words, there being none which conflict; they are, that Mr. Bailey, in discharge of official duty, resided within the District of Columbia at the time of his election, before and since; that his residence here was a temporary one; and that, at the close of his official duties, which could at any time take place at his own will, or the will of his superior, he intended to return to his abode in Massachusetts; this, sir, is the evidence, to say nothing of the opinion of the Secretary of State, than whom there are but few more learned jurists. But, sir, how has the committee, and gentlemen who coincide with the opinion of the committee, treated this testimony? Why, sir, I must say, that they have used such parts as supported their opinion and seem to have proscribed those which conflicted with it. This to me is an unusual mode of weighing testimony, even in courts of civil or criminal jurisdiction, where testimony is received under the most rigid rule. This course is inadmissible in all statements touching the same matter; the whole made must be received, or the whole rejected; the reason of this rule is obvious; for, if such parts are credited as lead to a certain conclusion, and the remainder rejected, what reason exists for crediting that which is retained? But here it is related that many of these facts are from the confession of the individual interested. Sir, I have been under the impression that the confessions of individuals, when made without motive, were entitled to weight even in courts, though such confessions were to the benefit of the party. It is universally admitted that the intention or design with which any act is performed, gives the character to the act; for all acts of any shape or character, in any performance, are designed by the God of our nature, and so secured by the regulations of society to express and declare the intention of the person or persons doing them.

Can we suppose, for a moment, sir, that Mr. Bailey was actuated by motive in uniformly disclaiming this District as his home and declaring his intention to return? Did he anticipate this event that made him firm to his purpose in inducing all about him to believe that he considered Massachusetts his residence? Was it with the same spirit and design that he disclaimed the exercise of privileges within this District? Nay, sir, was it for this purpose that his fortune, his estate, (a law library if you please,) was studiously kept at the place that he called his domicil? Sir, if these things can be believed, they are of rare occurrence indeed, and I am at a loss whether to admire the stability and firmness of character displayed in pursuing his fixed purpose, or to continue his hypocrisy and plans of dissimulation in order to accomplish an illegal, unconstitutional, and unworthy act. Sir, I must discard this view of the subject; it is unreasonable; it is against common sense; and I am forced to believe that Mr. Bailey did not consider this District his home; that his uniform declaration of his design to return was without motive, and that Massachusetts was his domicil: but the circumstance of his library being at his home, is treated with levity. I suppose, because it is not valued as a cotton or sugar plantation. Sir, principle is not to be established by dollars and cents. If in the latter case the property identified the home, with as much correctness will it in the former. These, then, are the circumstances. Do they destroy the presumption in favor of the legality or constitutionality of Mr. Bailey's election, as it is duly certified to us? For my part, I think not; although they show a residence out of the State, they also show that that residence was temporary, and that his permanent habitation was in Massachusetts. We must believe that Mr. Bailey did intend to return; if so, we must believe that his absence was intended to be temporary, and this does not destroy the right of inhabitancy. Against the loss of privilege in this way, many of the States have made express provisions; in others I consider it provided for by the spirit of our Government, derived from international law; and, sir, that such is the spirit and practice of the Federal Government no one hesitates to admit. Sir, it is under this principle, that our communications with foreign Governments are conducted; but this case is different. Gentlemen tell us we must adhere to the literal definition of the term inhabit, that it is, to use the phrase grown trite by repetition, "locality of existence." Sir, we do not in every case, nay we do but in few, confine ourselves to the literal definition of terms; we are constantly, nay, often, by law, giving constructive definitions to terms that are in many instances in direct opposition to their literal definitions. Sir, it is upon this principle that a man in Europe is in Louisiana, or South Carolina; that a man in Great Britain is in Pennsylvania. This, sir, for wise purposes, arises from constructive definition of terms, which constructive definition is sanctioned by law. If, then, there is no legal constructive definition in this case by positive enactment, I do say that a rational constructive definition, if not within the letter, but within the spirit of the principles of our Government, when not in contravention to existing law, is law; and that, if ever literal definition is deviated from, we are justified in deviating when supported by reason and not prohibited by law, in order to support and give effect to the free exercise of the sovereign power, the will of the people.

But we are told that in this case we must adhere to the letter; that, although in other instances it is not expedient to do so, that in this we must. It is even admitted that the Heads of our Departments claim their domicils or inhabitancy in the States from which they were appointed; and that their residence within this District does not deprive them of any of the privileges they possessed in their respective States, and that the authority from which this is derived is as positive as if prescribed by statute or ingrafted in your Constitution. Sir, if this is admitted, the question is decided: for the Chief Clerk in the State Department is an officer of Government, so made by law, and the same principle that sustains the one case will hold good in the other. I need not make reference to authority to support this position, this having already been done with great energy and ability by the honorable gentleman from Louisiana (Mr. Brent.)

Again, one honorable gentleman (from New York, I believe,) has said, that Mr. Bailey was not eligible, because, if this District was entitled to a delegate, or representation upon this floor, that Mr. Bailey could be that delegate or representative. Sir, this does not, cannot, apply, with any force, in this case. Your District, sir, is subject to the immediate control of, and its municipal regulations are prescribed by, the Congress of the United States; and, if it was provided, by law, that such delegate should be an inhabitant of Massachusetts, then, Mr. Bailey could make his election, whether to represent a district in Massachusetts, or the District of Columbia, if chosen to do both. It is unnecesary to make any other reply to this kind of argument. But the House will pardon me while I notice another remark made by that honorable gentleman. Sir, he says, we cannot be too cautious in examining the qualifications of the members of this body. In this, I do most heartly concur with that gentleman. Yes, sir, the purity of all of our institutions, of every department of our Government, depends upon the purity of the legislative department. He brings to our view the corruption of other governments—"tells of placemen, corrupt ministry, and seats in Parliament from rotton boroughs." Sir, these are remarks, though, to my mind, entirely unconnected with, and by no possibility can have any bearing on the case on which we are now deliberating, that I do not object to hear. Their frequent repetition keeps fresh in our remembrance the cause of our being a free people. They bring forcibly to the observation and attention of this age, of this generation, that which our forefathers saw, that which they felt, and that which they resisted. Yes, sir, wherever there is corruption, liberty is in danger, and the first and smallest appearance of its approach, under any shape or disguise, to any department of this Government, should be scouted, should be held up to the world and our posterity as a beacon to guard them against danger. But, sir, while we fear and detest corruption on the one hand, let us beware lest our anxiety to avoid it should lead us into error—let us beware, lest, while we endeavor to provide against this, in the Cabinet, we become ourselves the usurpers. Let us, when we provide against placemen and members of Parliament from rotten boroughs, beware, lest we usurp the elective franchise, the only sure basis of the people's liberty. Sir, if, in this, we are to exercise unlimited power and control—if we can limit and restrain the people, in the free exercise of their own free will, in choosing those who are to rule, the time is not far distant when placemen, created by us, will dictate to the American people, and we ourselves be the members of rotten boroughs, and the corrupt Ministry that we now so much deprecate and carefully provide against.

Sir, gentlemen apprehend danger from Cabinet patronage, in securing seats in Congress from corrupt sources. To me, sir, there does appear to be as much danger to be apprehended, if public service is to destroy Constitutional disqualifications, from Cabinet patronage, in putting down opposition to a favorite asking for a seat in Congress, by holding out and proffering the lure of office. Sir, there is as much danger in the one case, as in the other; and that which is to come from the free exercise of the will of the people, is infinitely the least to be apprehended. Gentlemen should, when they contemplate on the practices of other Governments, by which freedom and liberty are lessened by a Cabinet and Ministry, view the other side of the picture, and remember that even a Parliament has been arrayed against the people, and that, from this source, liberty received a wound that time cannot heal. Can this be a cause of an American Parliament being against the people, and endeavoring to restrain them in the exercise of those Constitutional privileges reserved to themselves? Sir, it may lead to this. Yes, the freedom enjoyed by the people of this Government, in the exercise of their elective franchise, is the palladium of our liberty. Weaken this, and you destroy the distinction that exists between the principles of our Government and those in which the sovereign power is in a King and Ministry, and the people but their minions. These are pictures drawn by the imagination of gentlemen; but, sir, they may be realized. Let us, therefore, choose rather to rely upon the virtue and intelligence of the American people to preserve the purity of the principles of our Government, rather than by restraining them by parliamentary acts. Our liberty is safe in their hands; change its guardian, and it is lost forever.

I thank the House for its indulgence; but I must be pardoned for saying, that the more I reflect upon this subject, the more I am contented to vote with the minority. Therefore, the "*animus revertendi*," the avoiding of District privileges, his estate being in Massachusetts, his residence here being only temporary, and permanent inhabitation being, in the contemplation of the Constitution, and the people's electing him, constrain me to say, that Mr. Bailey is entitled to his seat.

When Mr. Owen took his seat—

Mr. Forsyth replied to Mr. Storrs, (on a point in which he was personally involved,) and gave notice, that, as soon as the present question should be decided, he should move that the Committee of the Whole be discharged from the consideration of the question of his right to his seat.

Mr. Fuller farther explained the grounds he had formerly taken.

Mr. Sloane, chairman of the Committee of Elections, made some remarks in explanation of certain facts; to which Mr. Bailey replied.

Mr. Cook moved that, in order to afford the sitting member an opportunity of adducing further testimony, the report be recommitted. The question being taken, it was decided in the negative.

Mr. Cook then called for the reading of certain papers.

Mr. Barbour moved to adjourn. It was lost. Ayes 76, noes 99.

The papers were then read.

Mr. Breck spoke to the general question, and in favor of the disputed right of Mr. Bailey.

Mr. Bailey stated some facts of the case.

Mr. Hall, of North Carolina, (a member of the Committee of Elections,) spoke in favor of the report, and in reply to Mr. Bailey, as follows:

Mr. Speaker: I should not have said a word on this subject, but for a remark which has just fallen from the gentleman from Massachusetts, reiterating a charge of inconsistency upon the Committee of Elections, of which I am a member. An imputation which, if to be made any where, should have been made, not against the committee generally, but against myself. The gentleman must recollect, as I have already stated, in the course of this debate, by way of explanation, for the purpose of exculpating the committee from this charge, that he derived this idea of inconsistency from a conversation with me in the committee room, in which he might have conceived it to have been my opinion, that the *quo animo*, or the feeling of the mind, was the pivot on which this question turns. He must, however, recollect, that, subsequently, I gave it as my opinion, that this principle was not applicable to his case, but rather to the political right of citizenship, or allegiance. But, sir, for the sake of argument, suppose that I should admit that this is the principle upon which the question rests, *cui bono*, what good will it do the gentleman? If he assumes the principle, he must follow it out, whithersoever it may lead; and if he does so, he becomes *felo de se*—he cuts his own throat. It is a bad rule that will not work both ways; and how is the feeling of the mind to be known? It can only be known by external circumstances; and, unfortunately for the gentlemen, all these, (and some of them most stubborn facts,) are against him: the evidence is all against him. Sir, it only comes to this, that the gentleman may have had, at different times, a vague notion of returning to Massachusetts, but did not return; but that, on the other hand, he had much more constantly and effectually, an intention of remaining, and did remain a resident for six or seven years, in the District of Columbia, prosecuting his own interests, at his own will; or, as gentlemen seem fond of technical phraseology, he had the *animus revertendi*, but, unfortunately, he had a much stronger *animus manendi*, which proved victorious, and kept him from returning, which, had he done, he would have avoided his present difficulty. But, sir, what has all this trumpery about the *quo animo*, the *animus revertendi vel manendi*, about Vattel, and Puffendorff, and all that sort of thing, to do with this plain question of Constitutional law and fact? Just about as much as we have with the man in the moon.

Gentlemen seem to have fallen into some strange hallucination on this subject. In maintaining their doctrine, they undertake to subvert a plain and imperative requisition of the fundamental statute of this land, by applying to it, constructively, the principles of the common law of nations. Suppose, that in some of the State courts, any lawyer, in a plain case of law and fact, a case where a statute applied explicitly to some crime, a case in which the evidence was completely made out, and the law and the fact in entire unison—what would be thought, in such a case, of any lawyer who should attempt to overthrow, by applying to it the principles of the British common law, from Blackstone, or by preaching a politico-moral homily from Paley and Beccaria? And yet it would be of a piece with what is now attempted.

Mr. Speaker: I have prescribed to myself a very plain and simple method of construing this instrument which I hold in my hand, the Constitution of the United States—a method which, if pursued with a view solely to the truth, will generally be right. It is, to take the plain vernacular meaning of the words in which any subject is couched, and endeavor, in their plain sense, to find what was the intention of its framers. Having, to the best of my judgment, done this, I adhere to that interpretation, without attempting to bend or twist it to answer, by a strained construction, any other purpose—which, were I to do, I should be guilty of treason against my understanding and my moral sense. I have applied this rule to that part of the Constitution which says "that no person shall be a Representative, who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen." From which, it appears to me, that the framers of the Constitution meant to exclude two orders of persons from the House of Representatives as members—persons who are not citizens of the United States, and citizens who are habitual non-residents of the States in which they are elected. So that the Constitution demands, in so many words, that, to be a Representative, it is not only necessary to be a citizen of the United States, but, in addition to this, a person to become so, must live among those who are to become his constituents; evidently drawing a plain and marked line of distinction between citizenship and inhabitance. I do not believe it ever entered into the contemplation of the framers of the Constitution that Ministers and Consuls resident in foreign countries, or heads of Departments, or their clerks, residing in this District, or any other persons, living in any of the Territories the property of the United States, were proper persons for selection as members of this House. Ministers resident, by the very force of the term, and the nature of the office, includes the idea of inhabitance, *pro hac vice*. But a man may cease to be an inhabitant of one place or country, without having a fixed or permanent residence anywhere. A man leaving this country and travelling thirty or forty years over Europe, Asia, and Africa, could hardly be said to be an inhabitant, all this time, of the United States. I should like to know by what sort of hocus pocus, Ministers and Consuls residing habitually at foreign Courts and mercantile places, in foreign countries, or Heads of Departments, and their clerks, residing for a series of years in the District of Columbia, surrounded with all the means and appliances of domestic enjoyment, having their wives and children, being housekeepers, in possession of wealth, and all the comforts of life, can be all this time living in Georgia or Massachusetts, or any other State in the Union?

Gentlemen fall into this error by confounding the abstract political right of citizenship with the act of inhabitance which the Constitution requires; but, sir, I consider them doubly disqualified from becoming members of this House, by habitual residence out of the State for which they were, or might be, elected, (I know of no better definition of inhabitance than habitual residence; I would thank any gentleman for a better,) and office-holding under the United States, which, so long as they continue to do, is a disqualification in the face of that part of the Constitution which requires that "no person holding any office under the United States shall be a member of either House during his continuance in office"—showing clearly an intention to keep distinct and immiscible the executive and legislative functions of the Government; and, sir, to return to the gentleman from Massachusetts, I feel no hesitation in saying that his seat ought to be vacated upon this ground, if he labored under no other disability. I know the decision in the case of Herrick and others, has been quoted as bearing analogy to this part of the case under consideration, but I never take, as a precedent to follow, that which I believe is not founded in truth and principle. I think that decision was wrong, and was so decided only because a number of persons voted in a case that tried their own, which, had they been prevented from doing, as they ought to have been, the decision would have been against them. What are the facts in the case now before us? Why, that the election took place on the 8th of September, 1823, at which time he held an office under the United States, though the Congress for which he was elected commenced the 4th of March previous, and he still held the office until the 23d of October thereafter. Sir, I had always thought that the people made members of the House of Representatives, taking care, however, to make them of such materials as were not obnoxious to the Constitution, which is specific in prescribing the qualifications. But, according to the decision in the case of Herrick and others, and agreeably to the opinion of some, perhaps, in this case, it may be considered that the Speaker makes them by the administration of the oath to support the Constitution, or, perhaps, that the Governor of a State may do it by his certificate, which, however, is only a kind of pass, the evidence of his election, to be presented to this House. But I am still of opinion that the people make members of Congress, at least for this branch, but they must do it agreeably to law, otherwise the act is void.

I will forbear to remark on the report of the Committee of Elections, in the case of the gentleman from Georgia, as it is not now a subject of discussion, (and is one which has been hooked to this, I will not say with what propriety,) farther than to say that I do not entirely concur with the committee in that report.

A motion was now (about 4 o'clock) made to adjourn; lost—ayes 80, noes 95.

Mr. McDuffie offered the following amendment:

"That it is the opinion of this House that John Bailey came to the city of Washington in the year 1817, with the intention of returning to the State of Massachusetts, and that the said intention has continued to the time of his election to this House.

"*Resolved, therefore,* That he is entitled to his seat in this House."

Mr. Archer moved to adjourn; but the motion was lost—ayes 80, noes 100.

The question on the amendment was agreed to be taken by yeas and nays.

Mr. Taylor called for a division of the question on the amendment.

Mr. Sloane called for the previous question, which call the House sustained—ayes 93, noes 78.

Mr. Moore, of Alabama, moved to adjourn, and called for the yeas and nays on the question. The House refused to take it by yeas and nays; and the question being taken, the House refused to adjourn—ayes 41, noes 124.

The main question was then put, (the previous question having precluded all debate as well as amendment,) and decided by yeas and nays, as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bassett, Beecher, Blair, Bradley, Brown, Buchanan, Burton, Cady, Cambreleng, Campbell of South Carolina, Campbell of Ohio, Cary, Cassedy, Clark, Condict, Conner, Craig, Culpeper, Cuthbert, Day, Dwinell, Dwight, Eaton, Edwards of Pennsylvania, Edwards of North Carolina, Ellis, Floyd, Foote of New York, Forward, Frost, Garrison, Gatlin, Gist, Gurley, Hall, Hamilton, Harris, Hayden, Hayward, Henry, Hogeboom, Holcombe, Hooks, Houston, Isacks, Jenkins, F. Johnson, Kent, Lathrop, Leftwich, Letcher, Lincoln, Litchfield, Long, McCoy, McKee, McLane of Delaware, McLean of Ohio, Mangum, Markley, Marvin, Matlack, Miller, Mitchell of Pennsylvania, Neale, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Randolph, Rankin, Richards, Rogers, Ross, Saunders, Sandford, Sloane, Arthur Smith, Alexander Smyth, Spaight, Standefer, Sterling, A. Stevenson, J. Stephenson, Stewart, Stoddard, Storrs, Swan, Ten Eyck, Test, Thompson of Georgia, Tod, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Wayne, Webster, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Woods, and Wright—125.

Nays—Messrs. Breck, Buck, Buckner, Burleigh, Cobb, Cook, Crafts, Crowninshield, Cushman, Durfee, Farrelly, Findlay, Foot of Connecticut, Fuller, Gazlay, Herrick, Hobart, Jennings, J. T. Johnson, Kidder, Kremer, Lawrence, Little, Livermore, Locke, Longfellow, McKean, McKim, Mallary, Martindale, Matson, Mercer, Moore of Kentucky, Moore of Alabama, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Reed, Reynolds, Rich, Rives, Rose, Sharpe, Sibley, William Smith, Strong, Taylor, Thompson of Kentucky, Tomlinson, Vinton, Whipple, and Wood—55.

So it was resolved that John Bailey is not entitled to a seat in this House.

[Pending the call of the yeas and nays, when the vote of Mr. McDuffie was called for, he rose and asked to be excused from voting, and gave as a reason, "that he wished those who should come after him into this House, to understand the grounds upon which his vote rested, for which purpose he offered an amendment, and which had been put aside, without a division, by the previous question."]

The Committee of the Whole were discharged from the consideration of the report of the Committee of Elections, on the case of Mr. Forsyth, and it was laid on the table: and then the House adjourned.

Friday, March 19.

Mr. McLane, of Delaware, from the Committee of Ways and Means, to whom the subject was referred, reported a bill to authorize the Secretary of the Treasury to exchange a stock bearing an interest of five per cent. for certain stocks bearing an interest of six per cent.; which was read twice, and committed to the Committee of the whole House to which is committed the bill to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the commissioners, under the Treaty with Spain, of the 22d of February, 1819.

Mr. Williams, of North Carolina, from the same committee, made a report on the petition of Frederick Perley, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. Webster, from the Committee on the Judiciary, to whom the subject was referred by resolution, reported a bill to alter the times of holding the district court of the United States for the district of Illinois; which was read twice, and ordered to be engrossed and read a third time tomorrow.

Mr. Scott, from the Committee on the Public Lands, to which was referred the bill from the

Senate, entitled "An act for the final adjustment of land claims in the State of Missouri, and Territory of Arkansas, derived from the Governments of France and Spain," reported the same with amendments; and the bill was committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, to whom the subject was referred, reported a bill to repeal the act, entitled "An act for the relief of John B. Hogan, approved the 3d March, 1823;" which was read twice, and ordered to be engrossed and read a third time tomorrow.

On motion of Mr. LATHROP,

Resolved, That the Speaker of this House be requested to inform the Executive of the Commonwealth of Massachusetts that the seat of John Bailey, Esq., returned as a Representative from that State, is vacated by a decision of this House.

On motion of Mr. ARCHER,

Resolved, That the Speaker of this House be requested to inform the Executive of the Commonwealth of Virginia that the seat of William Lee Ball, Esq., returned as a Representative from that State, is vacant by the death of Mr. Ball.

On motion of Mr. BARBER, of Connecticut, the Committee of Ways and Means were instructed to inquire into the expediency of granting an appropriation for completing and repairing Fort Griswold, in the State of Connecticut.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: An act to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies; an act for the relief of Napier, Rapelye, and Bennett, and Petray and Viel; an act for the relief of Samuel White; and an act for the relief of Noah Smith, of Maine; in which bills the Senate ask the concurrence of this House.

EFFECT OF THE TARIFF, &c.

Mr. VAN RENSSELAER, from the Committee on Agriculture, who were instructed to inquire if an increase of the duty now established by law, on any article of foreign growth or manufacture, will be for the interest of the agriculturist, and if there be any such article to name the same, together with the additional amount of duty which they deem beneficial to the agricultural interest, made a report; which was laid on the table.

The report is as follows:

The Committee on Agriculture, to whom was referred the resolution of the House of Representatives, instructing them to inquire if an increase of the duty now established by law, on any article of foreign growth or manufacture, will be for the interest of the agriculturist, and if there be any such article, to name the same, together with the additional amount of the duty which they deem beneficial to the agricultural interest, respectfully submit the following report:

That, in the apprehension of your committee, whatever increases the consumption of its products, whether at home or abroad, necessarily advances the interest of agriculture. He who cultivates the soil, looks beyond the supply of his own wants for the profits of his labor. He looks to a market for the surplus products of his industry. The home market, in the opinion of the committee, is at all times to be preferred to the foreign market, when the reward of agricultural pursuits is equal—the former is less precarious than the latter; it is, also, more permanent and certain, and above the reach of restraining and prohibitory duties of foreign hostility; and when the home market can be increased in its demands, without diminishing in a greater degree the foreign consumption, it would seem wise and prudent to promote its extension by every rational means within the sphere of legislation.

Your committee consider the increase of duties on many foreign articles now imported into the United States, would promote the agricultural prosperity of the nation. A portion of population engaged in manufactures would necessarily depend on the farmer for subsistence, and create a more perfect and profitable division of labor than now exists. A new market would be opened, and a new demand created, for all the raw materials which new manufactures would consume. It cannot be denied, that, if all the manufactured articles now consumed by the people of the United States were manufactured within the bounds of our country, from the raw material furnished by ourselves, the value of our lands would be increased, and the profits of agricultural labor considerably augmented. Demand and consumption would be directly extended—a great extent of soil now devoted to the growing of products that afford no sufficient stimulus to cultivation. The soil and climate of the United States are capable of producing the various articles necessary for such manufacturing establishments as will most naturally flourish in this country, and of such as would inevitably be consumed, provided manufacturing labor should be extended. By a comprehensive and rigorous system of policy, calculated to unfold our agricultural resources, a spirit of emulation and industry would be diffused over the land; a vast and active system of internal exchange would rise up; the expense of transportation in heavy articles would be, in a great measure, saved; and, in fact, that which should be ardently wished for, in every agricultural country, a home market, would appear; this, too, would prove a market at once various, in point of demand, but sure, steady, and unchanging. The policy, the caprice, the selfishness, and the hostility of other nations could not affect it. On this point, therefore, the committee cannot entertain any doubt. The extension of domestic manufactures, depending on the production of such raw materials as can be found in this country, must increase the demand and consumption of those materials, and of course secure a new and ready market.

As to the articles of foreign growth, to which an increase of duty should apply, in order to promote the prosperity of our agriculture, the committee need only remark, that, if the principles which they advance be sound, the duty should embrace every raw material found or procured with ease and cheapness, and in abundance in the United States. The committee have confined themselves to the home market, in the brief view which they have presented. The question how far the increase of this home market, by an increase of duty on foreign articles, would affect the demand of our agricultural products abroad, leads to a new train of considerations. The first inquiry which naturally occurs on this point is, what are the inducements with foreign nations to purchase the productions of our soil? what their motives? what the moving causes of the market which they extend? Is their policy founded on favor, reciprocity, self-interest, or necessity? On this subject, there is little ground for difference of opinion. Foreign nations act not for us, but for themselves. Favor, and even reciprocity, form no basis for their measures towards us beyond the compass of bare expediency. They will consume our raw materials when they cannot do better; when they can, they will not consume them. When the consumption of our agricultural products comes in contact with any principle of political economy applicable to their own condition, a hostile tariff meets us at their shores. Hence, the foreign market, for the fruits of our soil, depends but little on the sale which foreign manufactures find in this country; and, whether we purchase more or less, foreign nations will graduate their policy towards us, by a standard independent of any general system of duties which we may adopt; at least, so it appears to your committee.

How long would Great Britain purchase our cotton if her own colonies could supply her demands? How many nations would consume any article that is cultivated by the American agriculturist, if they could find their demand supplied on better and more advantageous conditions, by home industry? These questions are answered by their proposition; it is, therefore, the opinion of the committee, that the foreign market for our agricultual products, and for the staple articles of our exports, in the shape of raw materials, will not be essentially affected by any increase of duty on those foreign manufactures which are composed of similar materials.

As to the amount of duty which should be imposed, it must always depend upon a variety of considerations, which need not be detailed; it should be sufficient to secure the exclusive and constant demand of our raw materials, and to sustain the American manufacturer in his pursuits; it must be competent to build up and protect those manufacturing establishments at present in the country, and which, with a reasonable encouragement, will present a constant demand for those raw materials.

In fact, as to the articles of foreign growth or manufacture, which should be taxed in order to increase our agricultural prosperity, your committee would refer, generally, to the tariff now before the House. The committee do not perceive the necessity of selecting any articles, or of imposing any duties, beyond those embraced by that bill.

THE TARIFF BILL.

On motion of Mr. Tod, the House again went into Committee of the Whole on the state of the Union, (Mr. Condict in the Chair,) on the bill for amending the acts laying duties on imports.

The question still being on Mr. McKim's motion to strike out the 177th line of the bill, "on tallow, four cents per pound"—

Mr. Baylies said that he felt somewhat discouraged by the symptoms of hostility which had been manifested, in some quarters of the House, to the object of the memorialists of New Bedford and Nantucket. As he had the honor to claim the citizens of one of those towns as constituents, he felt it incumbent on him to offer some remarks touching the memorials and the remonstrances, and, he trusted, that, although four great cities had combined their forces, on this question, that the interests of two humble and obscure villages would not be neglected, if he could make it appear that it was for the advantage of the nation that those interests should be protected.

In the year 1819, Russian and American tallow was quoted, in the price currents, at from 13 to 15 cents. Sperm oil, at that period, (and for some time previous,) had been sold at 85 to 90 cents per gallon. Tallow is now 7 cents per pound, Summer strained oil 37 cents per gallon, and Winter strained oil 50 cents per gallon—a reduction in price of about one-half.

In the years 1820, 1821, and the three first quarters of 1822, there were imported into the United States 10,276,740 pounds of tallow—equal to 364,890 boxes of candles of 30 pounds each, or to the product of 219,533 head of cattle, or to 1,372,091 gallons of oil, which, if consumed in the United States, supposing the material already here to be equal to the necessary consumption, would prevent the consumption, or impede the consumption of the quantity of oil, or the quantity of tallow, which he had named. The estimates of the memorialists would be found, upon examination, to be correct.

There were also imported during that period 321,821 pounds of tallow candles.

The tallow-chandlers say that the imported tallow is not used for the purposes of light, but that it is made into soap and exported.

If this assertion be admitted to be true, what follows? Why, that the tallow of the country, which otherwise would have been used by the soap-makers, is deprived of its market by the importation of foreign tallow; and the price being depressed, and no sales effected to profit, is either worked up into soap in household manufacture, or for light, as the substitute of oil.

Again it is said, that the difficulties in the oil market arise from the superabundance of the article. Why, sir, so they do; but will not those difficulties be increased, if you increase, by importation, the quantity of an article already superabundant?

It cannot be denied that the cheapest light that can be used is that which is furnished by oil; hence it would be good economy in the farmer to sell his tallow, and to supply himself with oil; his tallow would then be brought into the market. But if he was met in the market with this prodigious quantity of foreign tallow, it is almost self-evident that the home tallow would be depressed, and a heavy loss would fall upon the farmer.

If the foreign tallow was prohibited, domestic tallow, near a market, would be exchanged for oil, the tallow made into soap, and exported. Some candles would still be made and exported. The farmer would receive an increased price for his tallow, and obtain oil at a price affording him a cheaper light, and in this manner he would derive an advantage from the exchange. From accurate experiments it has been ascertained that sperm oil, at one dollar per gallon, is a cheaper light than tallow candles at 10½ cents per pound;

and, of course, oil, at 50 cents per gallon, would be cheaper than tallow candles at 5¼ cents per pound.

Oil, at the price at which it can be imported at a profit, is certainly a cheaper light than tallow, even at its present low prices; but the habits of a people are not suddenly changed; and as tallow is very low, compared with the prices two or three years since, the farmers would continue to use it, and not so readily change their light, as they would if the tallow was higher.

It would, in fact, be a saving to those who now use tallow candles, if they were obliged to use oil at double its present price. This fact distinguishes this kind of protection from all other kinds. The expense is not increased to the consumer, but lessened.

A species of reasoning is employed by the tallow-chandlers, which must be fallacious. A pound of tallow (say they) is purchased in Russia, or elsewhere, imported into the United States, and pays one cent duty. It is here manufactured into soap, exported to the West Indies, and exchanged for a pound of coffee; which, when imported into the United States, pays five cents duty; therefore the pound of tallow pays six cents duty. Now, this mode of reasoning, if not convincing, is at least convenient; but it is something like that of the boy, in the story book, who counted his chickens before his eggs were hatched. Every possible case may be supposed: a pair of silk stockings may be purchased in France for one dollar; imported into the United States, pay 15 cents duty, be exported to Madeira, exchanged for a gallon of wine, which, when imported, would pay a duty of one dollar; therefore, according to this reasoning, a pair of silk stockings, purchased for one dollar, would pay $1 15 duty. Any estimate or calculation, founded on such a basis as this, may, and probably would, fail.

It is said, by the memorialists of New York and Baltimore, that all tallow, for a long time past, introduced into this, from foreign countries, has been attended with a heavy loss to the importer. If it be so, it would certainly be for the advantage of the importer if the importation was prohibited. And if it be so, the prohibition of importation would certainly be advantageous to the nation; for, if we import at a loss, the loss is to the nation as well as to the individuals who import. We buy of Russia much more than we sell to her. Therefore, that branch of trade is not to be particularly favored. The same cannot be said of oil; for, although the whale fishery may be prosecuted at a loss to the ship-owner, and the seamen may be inadequately remunerated for their labors, yet the gain is the result of labor—of labor which takes from the ocean a mass of useless matter, gives it a value, brings it into active operation for the use and comfort of man, or as an article of commerce, or a mean of exchange. The loss is to the individual who engages in the fishery—the gain is to the nation.

The tallow-chandlers say that candles are nearly pushed out of use by the excessive importation of oil. "It is (say they) not probable that there is 'more than a tenth part of the candles used in 'our country that there used to be; and we judge 'from our own experience that not one-twentieth 'part the quantity is exported." They certainly must have been in the dark when they made this estimate. There never has been over 50,000 barrels of sperm oil consumed in one year in the United States. Of this quantity, after deducting for lighthouses, the lighting of streets, and what is used for wool and in manufactories, 30,000 barrels may be left for the use of families, shops, &c.; allow six persons to a family, 10,000,000 of people give one million and two-thirds of a million of families—those who use oil will average ten gallons to a family; 30,000 barrels will, therefore, supply but 90,000 families, leaving nearly 1,577,000 families to use tallow candles; this shows that only 5½ per cent. of the families use oil, leaving 94½ per cent. of the families to be supplied with light in some other mode; if the assertion of the tallow-chandlers be true, most of our people must do without light.

Equally are they mistaken (as I think) as to their numerical superiority over the whale fishermen. During the last year there were, in the United States, about 150 ships employed in the sperm whale fishery, and 50 in the right whale fishery; each of these ships was manned with 22 hands—say 4,400 seamen in the whole.

The whole population, directly interested in the whale fishery, cannot be estimated at less than 30,000. The tallow-chandlers say that "imported tallow is not fit to be manufactured into candles for exportation, or for home consumption;" of course it can make no difference to them, so far as the manufacture of candles is concerned. But they say "an increased duty will prevent its manufacture and limit the export." It is evident that they wish to keep down the price of tallow, and therefore their interest is at variance with the interest of the growers of cattle.

Should it be admitted that all the evils which the tallow-chandlers apprehend would be realized, yet they find a remedy in the drawback, and the allowance of the drawback reduces the protection to whalemen to almost nothing. I do not know but that I ought to move that the section which allows the drawback should be stricken from the bill.

They obtain, by that section, 75 per cent. of the duty on the export of the article. I am aware that much may be said about the frauds which may be practised on the revenue—I do not pretend to deny but that frauds may be committed; every article embraced in the bill is liable to the same objection; if the whole community are rogues, there is no question but that many frauds may be successfully attempted; but if these tallow-chandlers are what they represent themselves to be, (and I do not feel disposed to question their assertions,) but little danger on this score is to be apprehended—if they are not, they ought not to receive the benefit of the drawback.

An increased duty on tallow would more immediately promote the interests of the growers of cattle; by the farmer, the effect would be felt at once, while the benefit to the fishery, though equally sure, would be more remote.

The interests of the whale fishery, and of agriculture, are inseparably connected; this connexion will clearly appear, if the following circumstances are considered: Nothing is used in the construction of the whale ships but what is obtained from the farmers, with the exception of iron, duck, and cordage.

The timber is obtained from the woodlands of the farmer. The plank are sawed at his mills. His teams are employed in the transportation of the timber and plank—a transportation frequently of twenty, thirty, or forty miles. A ship going round Cape Horn requires from 100 to 150 barrels of beef and pork, 150 barrels of flour, a considerable quantity of peas, beans, cheese, butter, rice, corn, &c.; supplies not drawn from a small territorial space, but from a wide country. Staves and hard pine boards for heading are obtained almost exclusively from the South, particularly from Georgia and the Carolinas.

In the construction of the ships the services of a numerous class of mechanics are required, viz:

Ship-wrights, ship-joiners, caulkers, riggers, blockmakers, sailmakers, blacksmiths, boat-builders, painters, &c.

All these mechanics are fed by the farmers.

Another branch of mechanical industry, not much required in other vessels, is in constant requisition for the service of the fishery, viz: that of coopers, in manufacturing the casks necessary to contain the oil which is obtained in the whale voyages.

The manufacture of iron hoops for the casks has already become a great and profitable branch of manufacturing labor. Twelve hundred tons are said to be annually required.

Numbers of coasting vessels are constantly employed in the service of the whale ships. First, in bringing from New York and the States further South the flour and provisions for feeding the crew, and in the transportation of staves, boards, &c.; and then in transporting the oil along the coast to supply the lighthouses, and the towns and cities on the Atlantic.

Hemp, iron, and duck, pay high duties to the revenue, as also the molasses, sugar, tea, coffee, liquors, &c., which are used for ship stores.

The mind, in pursuing the business created by this fishery into all its ramifications, is lost in utter astonishment at finding such a vast variety of interests to be involved in it, and such an equal diffusion of its benefits; not enriching monopolists, but bringing plenty to the door of the farmer, the mechanic, the manufacturer, and the merchant; not paying a miserable stipend of monthly wages for the toils, the dangers, the sufferings, the sickness, and the lives of our noble-hearted and invaluable seamen, but admitting them to share the profits as well as the dangers of their long and adventurous voyages. The oil is shared in certain proportions by the ship-owners, masters, mates, seamen, and boys. The interest is common. The profit is common. The loss is common. There is certainly no branch of navigation or manufactures which, according to the capital employed, requires so much labor as this.

The memorialists of New Bedford and Nantucket expect no relief, unless it shall appear, after a full examination, that it would be for the national interest that they should be relieved.

Every day's experience proves that it is to our Navy we must look for the protection of our commerce.

That Navy, to be efficient, must be manned by young, hardy, and active seamen. As a nursery of such seamen this fishery is invaluable. Every whale ship takes from six to nine green hands; and, after one voyage, returns them finished seamen, made so, sir, by the long and continuous voyage, and by the sober, correct, and steady discipline which universally prevails in these ships. They are returned with untainted morals, and with qualities peculiar and great; yes, sir, great. It requires no ordinary resolution to unfurl the sail to the winds of heaven; to separate from persons and objects made dear by association, connexion, and family ties; to abandon for years the face of civilization—their ship their world, with nothing around them but the wide waste of waters;

> "Their march upon the mountain wave,
> Their home upon the deep."

It is by long separation from accustomed associations, that men acquire that habitude of thought and of action, which qualifies them for the employment to which they are destined. The seamen nurtured in this employment are the hardiest, the boldest, the most adventurous, the most enterprising in the world. Without question, they surpass all others. The nature of their employment stimulates and strengthens qualities the most rare, and the most valuable.

It is not by creeping along our coast, or dodging into a port in the West Indies, or performing a fair-weather voyage to Europe, that seamen are made. In this fishery the very boys are fashioned into heroes: they are inured to danger in its direst form. The man who can steer a boat upon, or strike a harpoon into a whale, cannot be a coward; courage is as necessary to him as the air to life, and not only courage but coolness and presence of mind. Nurtured on the ocean, he is familiarized to its dangers; no circumstance can disconcert, no disasters intimidate him. The horrors of a sea fight have no terrors for the whaleman; he is constantly engaged in fights, which render the puny efforts of hostile man but sport to him. Some of these seamen were in the Essex, and was the gallant commander of that ill-fated ship now present, he could tell you sir, that, during that horrible scene at Valparaiso, when he stood on his deck knee deep in blood and carnage, when his men were falling in masses around him, until, to use the words of Mr. Madison, "humanity tore down the colors which valor had nailed to the mast"—he could tell you sir, that, during this disastrous time, during this scene of horrors, he found no braver spirits in his ship than the whalemen of New England.

A gentleman from New York, (Mr. Cambreleng,) in a speech with which he favored this

Committee, a few days since, on the general merits of this bill, has appropriated the splendid eulogium pronounced by Edmund Burke, in the British Parliament, 1774, to our ancestors generally, and to our commerce generally. It was hardly fair in him, hostile as he is to the interests of the whalemen [Mr. CAMBRELENG denied that he was hostile to them. Mr. BAYLIES expressed his satisfaction to find it so, and continued]—I say, sir, that this beautiful effusion of eloquence was elicited from Burke on the subject of the whale fishery, when the fishery was confined to Nantucket and New Bedford. It will well bear repeating, and with the indulgence of the Committee I will repeat it.

Mr. BAYLIES then read an extract from Burke's speech on conciliation with America:

"As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar.

"You surely thought those acquisitions of value: for they even seemed to excite your envy; and yet the spirit by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits; whilst we are looking for them beneath the arctic circle—we hear that they have pierced into the opposite region of polar cold; that they are at the antipodes, and engaged under the frozen serpent of the South. Falkland Islands, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting place in the progress of their victorious industry.

"Nor is the equinoctial heat more discouraging to them than the accumulated Winter of both the poles. We know that, whilst some of them draw the line, and strike the harpoon, on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils.

"Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, in the gristle, and not yet hardened into the bone of manhood."

Thus did that most illustrious statesman speak in the British Parliament, of this fishery in 1774, when it had not attained, in any degree, to its present magnitude, whether considered in reference to the capital, tonnage, number of seamen, or the length and duration of the voyages. The flight of an imagination which seemed to pervade the whole circle of human existence, did not waft his mind to the points to which these enterprising, these adventurous navigators, have attained. Instead of stopping at the Falkland Islands, or the polar ices of the South, the all-creating imagination of Burke could scarcely have followed them along the long track of waters which they now encompass. The range of their enterprise is limited only by the limits of the world. They now pursue their "gigantic game" all round an ocean which, in 1774, they had not entered, or scarcely approached. Those lonely isles in the South sea, on "ocean's bound," are as familiar to them, more familiar, than the City of Washington. Sometimes they may be found at the desolate Massafuero. Sometimes on the coast of California. Sometimes off the secluded harbors of Japan. Sometimes at Madagascar. Sometimes at New Holland, and sometimes at that horrible region, lately discovered, called New Shetland, the clime of eternal Winter.

This fishery began very early, in the vicinity of Nantucket, in open boats. In 1774, it was what Burke described it to be. With its present condition, the Committee are acquainted.

It has grown to its present greatness without patronage, without bounty, without protection, almost without notice.

For protection, the whalemen have never asked. While subsistence was to be derived from their employment, they never obtruded themselves upon the Government. Contented with the gains of their "hard industry," they persisted in this course until, to use the language of the New York and Baltimore memorialists, they found themselves "half ruined," and, to prevent total ruin, they have presented their grievances to the nation.

Much complaint has been made by the tallow-chandlers, that they have selected three particular years to show the excessive importation of foreign tallow. The reduction of oil to its present ruinous prices, happened precisely at the time when that importation was made. When they felt the evil, they complained, and not till then.

So important has this branch of navigation been deemed by the maritime nations of Europe, that Americans are sometimes tempted to leave their homes, and to avail themselves of the great advantages arising from the system of bounties with which it is protected there.

Many of the English whaling ships are commanded by Americans. The South sea whale fishery was, I believe, established at Milford Haven, in England, by an American. Previous to the commencement of the French revolution, the Government of France foreseeing the great advantage which would result from the establishment of this fishery in that kingdom, held out such great inducements in bounties, that a colony of whalemen emigrated from Nantucket and New Bedford, and established themselves at Dunkirk, where the fishery was prosecuted successfully, until, in the progress of the revolution, property became insecure, and the French marine was threatened with annihilation. They then abandoned the pursuit, and returned to America.

Europe strives to alter the course of nature, by calling back the descendants of those whom she had forced from her bosom. Europe strives to lure to her shores, by favors and facilities, protection and bounty, a race of men whose value is well known there. Could we witness their departure without inquietude? Could we witness the decay and ruin of this fishery, which, long ago, the illustrious Burke declared to be unequalled in this world, without regret, without deep regret? This is their first application to their own Government. The application embraces not a solitary interest; not the interest of the ship-owners and seamen only, but the interest of the farmer, the mechanic, and the manufacturer.

I trust the protection which this bill proposes will be granted. It is small—it is small indeed; but it is something—something which will carry to the whalemen an assurance that this Government, protecting, as it does, all other interests, will not be entirely regardless of theirs.

When Mr. Baylies had concluded—

Mr. Cambreleng, of New York, rose in reply, and contended that the proposed duty, if granted, would not be any relief to those engaged in the fisheries. He stated the operation of the duty to be nugatory, because a drawback is allowed by the bill on exported soap and candles, and the whole amount of imported tallow, (about a million of pounds,) is now made into soap and candles for exportation—so that the Government would collect the duty with one hand and pay it back in drawback with the other.

Mr. Webster, of Massachusetts, went fully into an exposition of the facts of the case; showed why the Russian tallow is cheaper, its use in the manufacture of soap—the amount exported, the benefit of its use to the manufacturer, and the gain to the country. He then went on to show that the benefits of the duty to the whalemen and oil dealers would be very doubtful, and would by no means compensate for the loss of exports, which must be its effect. He showed that the proposed drawback would be of no use to the manufacturer, being paid to the importing merchant; and if it were, it could not be estimated, because the import is in tallow, and the export chiefly in soap. He remarked with severity on the doctrine that a balance resulting from a comparison of the amount of imports and exports to any particular country, shows whether we gain or lose by trade with that country—which he denominated jargon and nonsense. We export nothing to the South Seas, and bring back great amounts from there; so the balance of the trade is against us. Is it therefore a losing trade?

Mr. Livermore, of New Hampshire, spoke in favor of retaining the duty: he did not think that the manufacture should be protected at the expense of the farmer and the fisherman. If you keep the mean tallow out of the market, you aid the farmer; for his tallow goes to supply its place: and at the next step you benefit the fisherman, because his oil goes to supply the place of the farmer's tallow. This may be an injury to the tallow chandlers; but then the whole bill is built on that principle, and if one is smitten by it, he must strike his next neighbor.

Mr. Reed, of Massachusetts, replied to Mr. Webster, and stated the claims of the whalemen to the protection of this country. He observed that the inhabitants of Nantucket were almost ruined by the Revolutionary war; that in 1783, the British, sensible of the great value of such seamen, offered very liberal bounties to the inhabitants of Nantucket to go either to Great Britain or to settle in their colonies in this country. That the French nation, through Marquis de Lafayette, made very liberal offers also; that both offers had been rejected, a few instances only excepted; that, while England, France, and Holland had paid heavy bounties in aid of their whale fisheries, our whale fishery had been prosecuted successfully, unaided by the Government—it had, indeed, paid heavy taxes to the Government. He added that he was proud of the fact; that it was an example worth recording in our history, &c. He objected to the drawback on candles, because of their confessedly bad quality, they being so bad as to render it disgraceful to offer them at home. Mr. R. went into a calculation to show that large quantities of our own tallow as well as the foreign went into the soap exported. He showed how much greater the amount of the interests to be protected in the case of the whalemen was than in that of the tallow chandlers—one employed 50,000 tons of shipping, the other but 4 or 5,000, &c.

Mr. Webster replied to the argument of Mr. Reed, and contended that, if the duty is to do any good, it must be by prohibition, and in that case the Russian tallow only goes to England, and aids the English tallow chandlers against our own.

Mr. Livermore maintained that the English manufacturer would not gain so much as was contended, because he must still import his pot and pearl ash. Soap, with the additional duty, may be made as cheap in the United States as in England, though with less profit to the manufacturers, &c.

Mr. Mercer, of Virginia, opposed the duty, and went into an extensive calculation to show that, as much more tallow was exported in a manufactured form than was imported, the prohibition would be impolitic. He dreaded the temptation to fraud, and deprecated the creation of a necessity for the English system of guards against evasions of the revenue, &c.

Mr. Tod replied to the various arguments urged against the duty—urged that the one class of memorialists was entitled to as much credit as the other, though it did not seem to to be granted to them. That large quantities of the inferior tallow imported, were used in the manufacture of candles. He rebutted the impracticability of a drawback, by the fact that a drawback of the duty on imported molasses is allowed on the export of rum. He replied to the argument from the probability of fraud, by showing that before drawback could be claimed, the amount of tallow imported by the same individual must be proved. He insisted on the disproportion of the imported and exported tallow. He retorted some reflections of Mr. Webster, on the doctrine of the balance of trade; he quoted the advice of Lord Bacon—adverted to the policy of England, and declared his determination to adhere to "jargon," which had raised that empire to the summit of wealth and power. The whale fisheries were in imminent danger, and without protection must decline if not perish; we give them no bounty, and they now, for the first time, ask a small protection, &c.

Mr. **WEBSTER** rejoined—explained some of the grounds he had before taken; and further enlarged on the doctrine respecting the balance of trade. He protested against the authority of Bacon, in the reign of James I, (the era of monopolies, and every thing contracted and ridiculous in commercial matters,) and referred to the improvement which had been the result of two centuries. The value of trade was not altered by its being circuitous—provided it was profitable in the end, the more circuitous and multifarious in its intermediate stages the better for the interests of navigation.

Mr. **REED** spoke in reply. Mr. **FOOT** stated facts. Mr. **TOD** corrected some misunderstanding; and the debate was further protracted between Messrs. **MERCER**, **TOD**, **WEBSTER**, **REED**, and **CAMBRELENG**, till past four o'clock; when the question was taken on striking out the duty, and lost—ayes 52, noes 84.

Mr. **WEBSTER** moved to amend the 6th section, by striking out, in the fourth and fifth lines, the words "*by, for, or on account of the person or persons importing the same.*" [The whole section reads as follows:]

"SEC. 6. *And be it further enacted*, That there shall be allowed a drawback of seventy-five per centum of the duties by this act imposed on tallow, which may be manufactured into candles or soap, *by, for, or on account of the person or persons importing the same*, upon the exportation thereof within nine months after the said importation, and in the manner prescribed by the act, entitled 'An act to allow drawback of duties on spirits distilled and sugar refined within the United States, and for other purposes,' so far as the same may be applicable, and under such rules and regulations as may be prescribed by the Secretary of the Treasury."

Before this amendment was acted upon, the Committee rose, and the House adjourned.

SATURDAY, March 20.

On motion of Mr. **VANCE**, of North Carolina, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation adequate to the extinguishment of reservations granted to certain Cherokee Indians, within the limits of North Carolina and Tennessee.

Mr. **BRECK**, from the committee to whom the subject was recommitted, reported an amendment to the resolution formerly reported to the House, authorizing the purchase of a Portrait of Washington, so as to make it read as follows:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to procure from Rembrandt Peale, of Philadelphia, a painting (to be placed in the Capitol) of Washington, on horseback, on a canvass of not less than eighteen feet high, and thirteen wide; the middle and back grounds to contain a representation of the battle of Princeton, or such other appropriate scenery as the President shall direct: *Provided*, The same can be obtained for a sum not exceeding three thousand dollars; and that the said Peale furnish a rich gilt frame therefor, at least fifteen inches wide.

On motion of Mr. **LITTLE**, the Committee on Ways and Means were instructed to inquire into the expediency of repealing so much of the act, entitled "An act supplementary to, and to amend an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed March 2d, 1799, and for other purposes," approved the 1st March, 1823, as allows a discount on cash payment for duties on goods, wares, and merchandise, imported.

A bill from the Senate, "for the relief of Noah Smith, of Maine," was twice read, and referred to the Committee on Revolutionary Pensions.

A bill from the Senate, "for the relief of Samuel White," was twice read, and committed to the Committee of Ways and Means.

A bill from the Senate, "for the relief of Napier, Rapelye and Bennet, and Petray and Viel," was twice read, and committed to a Committee of the Whole.

A bill from the Senate, "to provide for the security of public moneys in the hands of marshals, clerks, and attorneys, and their deputies," was twice read, and referred to the Committee on the Judiciary.

An engrossed bill, "to alter the time of holding the District Court of the United States for the District of Illinois," was read a third time, passed, and sent to the Senate.

An engrossed bill, "to repeal an act approved the 3d March, 1823, entitled 'An act for the relief of John B. Hogan,'" which was ordered to a third reading to-day, having been announced, Mr. **OWEN** of Alabama, moved to lay the bill on the table for further deliberation, but withdrew the motion to give way to Mr. **MOORE**, of Alabama, who moved that it be committed to a Committee of the Whole.

Mr. **HAMILTON**, who had moved yesterday for its third reading to-day, explained the circumstances of the case, and read part of the act intended to be repealed, which, he contended, went to excuse John B. Hogan from a settlement of his accounts to an indefinite period.

Mr. **MCCOY** opposed the commitment.

Mr. **HAMILTON** rejoined; and the motion to commit it to a Committee of the Whole prevailed.

A Message was received from the President of the United States, accompanied by a report from the Secretary of State, enclosing copies of the correspondence instituted by the President with foreign Governments, since 28th February 1823, relative to the African Slave Trade.

THE TARIFF BILL.

The House then, by a vote of 93 to 19, went into a Committee of the Whole, on the bill for amending the several acts laying duties on imports, and the question being on the amendment yesterday offered by Mr. **WEBSTER**, to the 6th section, Mr.

Tod withdrew his objection to it, and the amendment was adopted.

On motion of Mr. **Webster**, the section was further amended, by striking out "nine," in the 6th line, and substituting "twelve," and, on motion of Mr. **Reed**, by striking out the words "candles or," in the 4th line.

The section, as finally amended, reads as follows:

"Sec. 6. *And be it further enacted,* That there shall be allowed a drawback of seventy-five per centum of the duties by this act imposed on tallow, which may be manufactured into soap, upon the exportation thereof, within twelve months after the said importation, and in the manner prescribed by the act, entitled 'An act to allow drawback of duties on spirits distilled, and sugar refined, within the United States, and for other purposes,' so far as the same may be applicable, and under such rules and regulations as may be prescribed by the Secretary of the Treasury."

Mr. **Breck** moved to amend the 97th line, by excepting the article of twine from among others on which five cents per pound duty is laid, and adding the words "and on twine ten cents per pound."

Several memorials were read.

Mr. **Breck**, Mr. **Reed**, and Mr. **Baylies**, made some remarks for and against the motion; and the question being taken, the amendment was not agreed to.

Mr. **Foot**, of Connecticut, moved to add, after the 254th line, "On wines now subject by law to a duty of 15 cents per gallon, a duty of 25 cents per gallon."

Mr. **Trimble** stated some facts in relation to the reasons which induced Congress to lay the 15 cent duty.

Mr. **Foot** replied. Mr. **Gurley** wished that claret wine might be excepted, as it was in his country generally used, even by the poor and laboring classes.

Mr. **Tod** supported the exception.

Mr. **Poinsett** wished for farther information, dreading the moral effect of driving the people from wine to whiskey.

Mr. **Clay** opposed the amendment, as being injurious to the revenue, and the navigating interest, without being beneficial to any branch of American industry.

Mr. **Webster** supported the same view, and thought that the duty on Madeira wine ought to be reduced rather than augmented.

Mr. **Hamilton** hoped that the motion would be withdrawn. He believed that the present duty on wine required a judicious revision, but this did not fairly pertain to the present bill.

Mr. **Tod** replied.

Mr. **Stewart** advocated the duty, as a revenue duty. He compared the duties on salt, sugar, tea, &c., with this on wines, and contended that it was out of all proportion. The people of Louisiana were well able to pay the duty, &c.

Mr. **Hamilton** replied to Mr. **Tod**, whom he understood as reflecting, by implication, on his motives, as being aimed at delay.

Mr. **Tod** disavowed all such implication, and pressed a speedy decision.

Mr. **Cambreleng** agreed with the gentleman last up; spoke to the question of fraud, and asked for facts from the mover.

Mr. **Foot** replied, and stated several particulars, and then withdrew his motion, to give time for farther inquiry.

Mr. **Mercer** moved to amend the bill in the 177th line by striking out four cents (duty on tallow) and inserting one cent.

Mr. **Tod** objected to the motion, as having virtually been passed upon by the decision of yesterday.

The Chair pronounced the motion to be in order.

Mr. **Mercer** supported his motion by quotations and calculations from the documents furnished from the Departments, and reasoning from the practice of England.

Mr. **Reed** replied, and thought this country was in such different circumstances from Great Britain that her practice did not furnish an example.

Mr. **Wayne** stated a number of facts to show the injury to the farmer and grazier from the importation of foreign tallow, and hoped that one of the few opportunities to benefit the farmer which the bill contains (to which bill, however, he was a friend) would not be neglected.

Mr. **Mercer** spoke in answer to the opponents of the motion, defended the English precedents, and contended that, if the duty was laid, all the Russian tallow would stop in England, and the English would supersede us in the South American trade. The duty, he contended, would not affect the farmer, as what was imported, would be immediately exported again. He deprecated the necessity of oaths, derived from the collection of the duty, unless the system of public or private warehousing in use in Britain, were adopted, to both of which he objected. The duty would present to the tallow chandler a temptation of $180,000 a year to fraud; and when fraud is introduced into one branch of the revenue, it quickly spreads into all branches. Mr. M. concluded with some general remarks on the system of the bill.

Mr. **Wood**, of New York, opposed the amendment, as the proposed tax would benefit a branch of industry incomparably more valuable than the manufacture of soap and candles; it was the right arm of the nation in respect to her marine interest; while it encouraged ship building, it furnished the best and only permanent nursery for seamen, &c.

Mr. **Tod** contended that the present motion was virtually the same as that decided yesterday.

Mr. **Mercer** opposed this view, and explained.

The question was then put, and decided in the negative—ayes 49.

Mr. **Mercer** then moved to strike out four and insert two cents.

The question was taken, and decided in the negative—ayes 62, noes 112.

Mr. **Cambreleng** moved to amend the bill in the 40th line, "on hemp two cents per pound," by striking out two and inserting "one-and-a-half."

Mr. C. objected to the duty proposed, as being a mere tax, not calculated to benefit the domestic product, and to injure the manufacturers of that imported. He traced the course of legislation on the subject for thirty years, and insisted that the use of native hemp had retrograded rather than advanced. The British duty was only $21—that now proposed, more than doubled the duty.

On motion of Mr. **REED**, the Committee then rose, and the House adjourned.

MONDAY, March 22.

Mr. **BUCK** presented a memorial of Captain Alden Partridge, accompanied with the results of sundry experiments on the fire of infantry and artillery; which was read, and referred to the Committee of the whole House to which is referred the "bill to authorize the President of the United States, to cause to be issued to Captain Alden Partridge fixed ammunition, and for other purposes."

Mr. **WHITTLESEY**, from the Committee of Claims, made a report on the petition of Morris Goldsmith and Anthony Roderick, accompanied with a bill for their relief; which was read twice, and committed to a Committee of the Whole.

Mr. **WHITTLESEY**, from the same committee, also made a report upon the petition of Robert Blean, accompanied with a bill for his relief; which was read twice, and committed to a Committee of the Whole.

The **SPEAKER** laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the House of Representatives, of the 8th of May, 1822, copies of all the correspondence between the Secretary and the banks in which the public moneys were deposited, from the 1st of January, 1817, to the 8th of May, 1822, that is considered as included, either directly or indirectly, in the terms of the resolution, which has not been heretofore communicated to the House. Laid on the table.

Mr. **McLANE**, of Delaware, from the Committee of Ways and Means, to whom was referred the bill from the Senate, entitled "An act for the relief of Samuel White," reported the same, without amendment, and it was committed to a Committee of the Whole.

Mr. **MERCER** submitted the following:

"*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of connecting the property of the United States, at or near Harper's Ferry, by the erection of a bridge across the Shenandoah, at or near the mouth thereof."

The mover supported the resolution by a few remarks, when the question being taken, it was adopted—ayes 62, noes 55.

ADJOURNMENT, &c.

Mr. **ALLEN** called up the joint resolution offered by him some days since, respecting an adjournment; but the House refused to consider it—ayes 44, noes 83.

Mr. **RANDOLPH** observed, that the vernal equinox was now passed, and he thought it was time that every member who did not intend to rely on the public crib, but to feed out of his own cornhouse, should go home and plant his corn; and he hoped that the honorable member from Massachusetts would continue to repeat his motion until it should obtain a more favorable reception by the House. The protracted sessions of Congress (which, however, he thanked God, could take place only every other year) he considered as fraught with incalculable mischief. They excluded from the public service an important and valuable class of men.

[Here the Speaker interposed, and pronounced Mr. R.'s remarks to be out of order, inasmuch as the House had refused to consider the resolution.]

Mr. R. observed that he had intended to conclude his observations by making a motion; but he should stand corrected.

Mr. **TAYLOR** then made a motion to alter the hour of meeting to eleven o'clock, A. M., and supported his motion by a short speech, in which he adverted to the amount of business in arrear, and the injurious consequence of long sessions.

Mr. **RANDOLPH** again rose, and said, that he should take the liberty which the gentleman from New York seemed so willing to take himself, but to refuse to others—no uncommon case—of making some observations on an interdicted subject. He should, in the selection of his topics, pursue his own lights, however feeble, without availing himself of the very great discernment, sagacity, experience—(he wished he could enlarge the catalogue)—of the gentleman from New York. I, for one, said Mr. R., voted for the repeal of that preposterous rule which, even if this building were on fire, prevented the House from adjourning before 4 o'clock, and I did suppose that, in its spirit, it went to repeal the other rule on the same subject, in reference to the proceedings of the Committee of the Whole. Four hours per diem is as long as I, at least, am able to endure—I will not say, the pestilential atmosphere of this House, but an atmosphere, such as nothing but the wretched animals plunged in the Grotto del Cane, near Naples, were compelled to breathe, to gratify the laudable curiosity of the very benevolent philosophers of modern Europe. I hope the gentleman's motion will not be adopted—and I now give notice, that I mean to follow up his motion with one which relates to a subject which requires, if not the actual cautery, at least the knife—it is a motion to reduce the per diem allowance of members of this House, to what it was when I first had the honor of a seat here, and which I then thought, and still think, as a per diem allowance, was fixed a great deal too high.

If the present system is suffered to continue, instead of having, in Congress, great leading professional men, we shall have what have been well denominated the merely mechanical, the instrumental members of those professions. And, as to the landed interest, how can we expect it to be represented, when it is ruin to a landed man to attend here? I, for one, cannot, sir, consent to sit here for so many months, *de die in diem*, for six days in the week, and hear nothing but the same strain forever repeated. It is enough, sir, to worry the patience of Job himself. I shall therefore move that, from and after the end of the present session of Congress, the per diem allowance of members be six dollars, and the allowance for travelling expenses be the same sum for every twenty miles travelling.

The question was then taken on Mr. **Taylor's** resolution, and carried.

Mr. **Randolph** moved the following:

"*Resolved*, That from and after the end of the present session of Congress, the per diem allowance of members shall be six dollars, and six dollars for every twenty miles travelling."

This resolution he desired to lay on the table, and he gave notice that he should call up its consideration on Friday next.

The question being put on laying the resolve on the table, it was carried—ayes 80, noes 60.

NAVY APPROPRIATION BILL.

Mr. **McLane** moved to postpone all the previous orders of the day to take up the bill making provision for the naval service of the United States for the year 1824. The motion was carried—ayes 84, noes 68.

The House then went into Committee of the Whole, (Mr. **Bartlett**, in the Chair,) on the consideration of the above bill, and proceeded to consider the same, item by item.

Some of the items gave rise to considerable discussion, particularly that which proposes to appropriate $225,000 for "contingent expenses, including all extra allowances." In this discussion, Messrs. **Cobb**, **Cocke**, **McLane**, **Taylor**, **Forsyth**, and others, engaged.

Mr. **Cocke** examined in detail the expenditures under this head during the past year, to many of which he took exception, and particularly to the charge for travelling expenses, which formed a part of almost every account settled, from which he said, it would appear that almost the whole Navy of the United States was consequently employed in travelling from one part of the country to another. To many other items he also objected, particularly to the allowance to the Navy Agent at New York, of more than $7,000, under this head, whilst he was largely indebted to the Government, &c.—to *extra* pay, house rent, &c., to surgeons, recruiting officers, &c.—to the payment of $1,000 to a professional gentleman for services of Judge Advocate; and lastly, to the expenses allowed to the Commissioners of the Navy for going to the Eastward, some time about the New York Races, but perhaps, also, upon other business. Mr. C. concluded by moving to reduce the appropriation for this item to an hundred and fifty thousand dollars, which he afterwards varied to an hundred and eighty thousand dollars.

Mr. **McLane** replied to the objections of Mr. **Cocke**, by statements derived from official papers which he had received in reply to inquiries made upon the subject at the proper offices by the Committee of Ways and Means, although he himself thought there were items of expenditure under this head which were objectionable, and was inclined to think that this fund had not been administered as it ought to have been. But many of these items, he said, had always been allowed, and were indispensable—such as the necessary expense of travelling to attend courts martial, fuel, quarters, &c. From the information which he had received, this item of appropriation was subject to the payment of clerk-hire, office-rent, stationery, transportation of munitions of war, freight, pilotage, wharfage, storage, and all those objects of expenditure not included under any specific head of appropriation, though forming collectively an important item. If there were any abuse in the expenditure, he was inclined to think it was in allowing travelling expenses to officers who are not ordered on special service, but merely to join their ships. If that were forbidden, it would reduce the amount perhaps some eight or ten thousand dollars. At present, however, he thought it better to make the appropriation called for, and leave the abuses, if any, to be corrected by the administration of the Navy Department. Mr. McL. here read several papers connected with this subject, one of which, from the Secretary of the Navy, stated the sum of $225,000 to be absolutely necessary for the contingent expenditure of the present year. Mr. McL. also reviewed the history of this particular appropriation, and showed that the amount now asked for was less than the average appropriation for the same item for the last five years, &c.

The question being taken on filling the blank with $225,000, as asked by the Navy Department, and moved by the Chairman of the Committee of Ways and Means, there were, ayes 32, noes 54; a quorum not being present, an officer was despatched to summons absent members.

Mr. **Whipple** made some remarks in support of the appropriation; as, if it were withheld, serious embarrassment might ensue. The present incumbent had not had time to reform abuses, if they did exist. He hoped a thorough investigation would take place as soon as the proper time had been allowed to him.

Mr. **Taylor** stated what had been formerly expended under this head. He showed why it should be somewhat larger the present year, from the employment of the West India squadron, &c. He vindicated the conduct of the late Secretary of the Navy, but could have wished that several of the items in the account of contingent expenses had been more explicit. On the whole, he did not see that the sum could now be reduced.

Mr. **Livermore** observed that, whatever the sum appropriated under the head of contingencies, it was always expended. It was never too much, but always just enough—and so he supposed it would be if it were made half a million. He did not impute this to malfeasance in the Heads of Departments, &c.

Mr. **Cocke** replied to Mr. **Taylor**. The additional expenses occasioned by the West India squadron, and those for repairs, were not included in this amount. The whole of this sum went to the gentlemen on shore. Those in service, at sea, got none of it. He had found, on inquiring in the offices, that certain accounts were allowed because S. T. was written against them. He was opposed to all usage and custom not fixed by law.

Mr. CULPEPER hoped the appropriation would be reduced, as he was satisfied some improper sums had been formerly allowed.

Mr. DWIGHT wished information as to one item of expenditure, which was to be allowed to Henry Eckford, of $2,000 for an acre of ground in a barren country, &c.

Mr. TUCKER stated reasons why the Committee of Accounts for the Navy Department had not reported generally on the subject of these expenditures.

Mr. WHIPPLE replied to Mr. COCKE, and referred to a former year, when the appropriation in the Indian Department had been suddenly reduced, and sad consequences ensued. To Mr. LIVERMORE he answered by referring to the fact that $17,000 of last year's appropriation remained, at this moment, unexpended.

Mr. LIVERMORE corrected the gentleman last up. The balance was not 17,000, but only $11 37 cents. The appropriation asked was for extra allowances, and officers would always present demands enough to absorb it.

Mr. STORRS corrected a misunderstanding as to some of the documents which had been quoted, which he showed was no basis from which to calculate the present appropriation.

Mr. McLANE replied, and explained the document referred to by Mr. STORRS.

Mr. WILLIAMS, of North Carolina, required further explanation on the items intended to be covered by the bill—particularly one item of $1,500, for the service of a Judge Advocate at Boston, who served but for sixty-two days.

Mr. TEN EYCK explained some local circumstances, respecting the Navy Point, at Sackett's Harbor.

Mr. FULLER replied to Mr. WILLIAMS, and explained some circumstances in relation to the item referred to by him.

Mr. COCKE made some further observations, and read a letter from one of the auditors of the Treasury in relation to certain accounts, copies of which had been requested by Mr. C.

The question being then taken on filling the blank with $225,000, it was decided in the negative.

The question then recurring on the amendment proposed by Mr. COCKE, to fill the blank with $180,000, and, being put, it passed in the affirmative.

Mr. McLANE moved to amend the 18th line, by inserting, after the word "stations," the following: "also, of naval constructors, store-keep- ' ers, instructers, master workmen, clerks of the ' yards, of the check, and of commanders and ' porters attached to the navy yards and shore ' stations."

This amendment was agreed to, and, thus amended, the clause will read, "For pay, subsist- ' ence, and allowances of every description, to all ' commissioned and warrant officers employed at ' the several navy yards and shore stations; also, ' of naval constructors, store-keepers, instructers, ' master workmen, clerks of the yards, of the ' check, and of commanders and porters at- ' tached to the navy yards and shore stations, ' $231,293 26."

Mr. McLANE moved to amend the 21st line by inserting the words in *italics*, which was agreed to, and the clause made to read as follows: "For ' contingent expenses, including *transportation of* ' *articles, travelling expenses, stationery, commissions,* ' *courts martial, coal for smiths, fuel for engines and* ' *public offices, and* all extra allowances, $180,000."

The blank in the 23d line, viz: "For repairs and wear and tear of vessels," was filled with the sum of $350,000.

On motion of Mr. McLANE, the 30th and 31st lines, viz: "For erecting and completing houses over ships in ordinary, for their preservation from the weather," were stricken out, and the following inserted: "For ship-houses, to repay the amount taken from the gradual increase fund, $78,500."

The blank in the 88th line, viz: "For fuel for the non-commissioned officers, musicians, and privates of marine corps," was filled with $6,000.

The following clause was, on motion of Mr. McLANE inserted:

"For medicine, hospital stores, and instruments for the officers and marines of the marine corps stationed on shore, $2,369 71."

On motion of Mr. COBB, the blank in the 46th line, viz: "For contingent expenses, that is to say, fuel for commissioned officers, transportation, stationery, bed sacks, straw, rations to officers, and postage on public letters," was filled with $9,000.

The remaining blanks were filled with the respective sums inserted in them in the printed copy of the bill, as reported by the Committee of Ways and Means.

The Committee then rose and reported the bill with the above amendments; and the House adjourned.

TUESDAY, March 23.

Mr. McLEAN, of Ohio, from the Committee on Indian Affairs, to whom was referred the resolution of the House, of the 6th of January last, instructing them to inquire into the expediency of repealing an act, entitled "An act making provision for the civilization of the Indian tribes adjoining the frontier settlements," passed on the 3d of March, 1819, made a report thereon, which was read, and laid on the table.

On motion of Mr. McLANE. of Delaware,

Resolved, That the committee on so much of the public accounts and expenditures as relate to the Department of the Navy, be instructed to inquire and report, whether the sum of two hundred and twenty thousand dollars, appropriated at the last session of Congress, for the contingent expenses of the naval service, has been expended according to the existing acts of Congress; the description of travelling expenses, and the nature of individual claims, in payments of which any part of the said sum has been applied; the nature of extra allowances, which have been paid out of the said fund; and whether the same are specified, or authorized by any act of Congress; whether any claim or accounts which may have arisen, prior to the year 1823, have been paid out of the said fund; and, if so, the nature and circumstances of such claim and accounts, respectively; and that the said committee be instructed further to inquire and report, whether any, and what, provisions are necessary to be adopted, to provide more perfectly for the proper application of the money appropriated for the contingent expenses of the naval service, and to secure the Government from demands, unjust in their character, or extravagant in their amount.

NAVY APPROPRIATION BILL.

The House concurred in the several amendments of the Committee of the Whole, on the bill "making provision for the support of the Navy of the United States for the year 1824," with the exception of the item for contingent expenses, $180,000.

In relation to this item, Mr. McLane, of Delaware, made a variety of explanations, going to show that the amount had been agreed to in the committee, from a misapprehension that there remained, of the fund last year granted, only $11 37; whereas, there was a balance of $85,300. He stated that, on examination, he had discovered that the appropriations of former years had been applied to objects never contemplated by this House, when granting them, although involving no charge of malversation in the Head of that Department; and he moved to strike out, in the twenty first line, all after the word "expenses," and insert as follows, viz:

"That is to say—

For commissions, clerk-hire, office-rent, stationery, and fuel to Navy agents;

Premiums, and other expenses of recruiting;

Freight of provisions, stores, and materiel from one station to another, and from the United States to distant stations in other countries, where our ships are employed;

Allowances to officers at the several navy yards and stations, for house rent, fuel, and candles;

Travelling expenses for officers and transportation for seamen;

Freight of timber, wharfage, and dockage for vessels where there are no public yards;

Expenses, and a per diem allowance, attending courts martial, courts of inquiry, &c.;

Compensation to Judge Advocates;

Cabin furniture for vessels in commission;

Incidental labor at navy yards, which is not applicable to any other appropriation;

Pilotage of public vessels in the United States and in foreign countries;

Printing Naval Register, blank pay rolls, receipt rolls, stewards' returns, seamen's allotment tickets, the proceedings of courts-martial;

Storage of provisions and stores in foreign parts, and in the United States, where public stores are not provided;

Coals for blacksmiths and anchor-makers, and fuel for steam-engines;

Purchase and maintenance of oxen, carts, large timber wheels, and workmen's tools;

Chamber money to officers in lieu of quarters, other than house rent;

Purchase of books, charts, nautical and mathematical instruments, chronometers, machinery, models, drawings, and all stationery of every description, used throughout the naval service;

Expense of pursuing deserters;

Expense of officers in sick quarters;

Storage of powder;

Lighterage and scow-hire;

Postage of letters on public service, and for no other object or purpose whatsoever, one hundred and eighty thousand dollars."

This amendment was agreed to without debate or opposition.

The question being put on the amendment in the thirtieth and thirty-first lines: "For ship-houses, to repay the amount taken from the gradual increase fund, $78,500."

Mr. Williams, of North Carolina, moved to strike out the whole item, objecting to using any part of a fund which was intended for the building of ships, and applying it to the erecting of houses.

Mr. McLane explained.

Mr. Williams rejoined, and the question being taken, was decided in the affirmative—ayes 89, noes 45.

The bill was then ordered to be engrossed for a third reading to-morrow.

THE TARIFF BILL.

The House then, on motion of Mr. Tod, resolved itself into a Committee of the Whole, on the bill "for amending the several acts laying duties on imports;" and the question being on the motion of Mr. Cambreleng to reduce the proposed duty on hemp from two cents per pound to one and a half cents—

Mr. Reed, of Massachusetts, addressed the House as follows:

Mr. Chairman: I will endeavor, with as much simplicity and briefness as is in my power, to state my views in relation to the amendment now under consideration. I shall state such facts, and offer to this Committee such calculations and estimates, as are in my opinion calculated to illustrate the subject.

What is the present duty on hemp? Thirty dollars per ton. What is the duty proposed by the bill before us? Two cents per pound, which amounts to $44 80 per ton, nearly fifty per cent. in addition to the present duty.

The amendment proposed by the gentleman of New York, (Mr. Cambreleng,) now under consideration, is to strike out two and insert one and one-half cent per pound. Should the amendment prevail, the effect will be to increase the present duty from $30 per ton to $34 80—equal to sixteen per cent. It is material to consider and examine the subject of net and gross hundreds—of cents and half cents; for, although it begins with half cents, it ends with hundreds of thousands of dollars. Although I consider the present duty as high as the real interest of the country demands, I am in favor of the amendment, as an amelioration of the bill before us.

The subject now under consideration, is one of vast importance—it deeply affects the navigating interest of the United States. The question is not whether hemp shall pay a duty, but how much duty? He observed he was willing it should be liberally taxed. It always had been taxed from the commencement of the Government; it commenced with ten dollars. It was raised to twenty dollars. By the tariff of 1816, it was raised to the present duty, thirty dollars per ton.

What is the object of increasing the duty on hemp? For, we are informed, that the bill has a triple object—revenue, encouragement of manufactures and agriculture. It certainly comes to us in a questionable shape. Is it revenue? If so, in my opinion, it is most manifestly oppressive to the navigating interest of the country.

He then stated that the following sums were paid to the revenue in 1822:

On hemp - - - - - -	$296,000
Russia Duck - - - - -	86,000
Ravens do. - - - - - -	54,000
Cordage tarred - - - - -	8,000
Untarred do. - - - - -	10,000
Twine - - - - - - -	15,000
Tonnage duty - - - - -	114,000
Estimated duty paid on iron - -	100,000
	$683,000

The above items are paid almost wholly by the navigating interest, and there are others not named.

The duties imposed on navigation on vessels amounts to more than $700,000 per year. The bill before us proposes to increase it about 50 per cent., which will amount to more than one million of dollars. This tax is imposed upon a class of men who pay their full share of all other taxes. Suppose there are 350,000 people supported by navigation; the tax amounts to $1,000 each. If such tax were imposed on the nation, it would amount to more than ten millions of dollars—a sum greater than half the revenue of the country.

Upon whom will this duty fall? Upon the employer of the vessel, or consumer of the cargo? Upon neither. As a general rule, it may be true that the consumer pays the duty. But the rule has exceptions; and it becomes wise legislators to examine the subject with attention.

In Massachusetts or Pennsylvania, the wagoner willingly pays the toll at the gate of the turnpike, because he knows he is benefited. Suppose the Government were to establish a gate near the market, and demand one dollar of broad wheel and narrow wheel wagons—would not the owners of the wagons inquire why it was demanded? And when they were informed it was for revenue—that all paid—that it would finally come out of the consumer—that they could add the dollar paid to the price of the flour—would they not pray, with one accord, to be excused?

Navigation is an exception. Those engaged cannot charge their employers with the extraordinary duties they may pay. We have more engaged in the coasting trade than we have employment for. In the foreign trade, we are competitors against the world. We have run successfully; but we cannot run successfully and carry the weight proposed.

Here Mr. R. begged the Committee to distinguish between the mercantile and navigating interest. They were not necessarily connected. He had heard a number of gentlemen, in the course of their arguments, confound them.

The merchant might not own vessels, and a great portion of the navigation was owned by those who were not merchants, and who were far from being wealthy. The coasting vessels, which are now a very considerable part of our tonnage, are owned by those who have but a small share of property.

Here Mr. R. read the act of March, 1815, which provides for the repeal of all discriminating tonnage duties, and all discriminating duties, as to the importation of goods, &c., provided other nations would repeal their discriminating duties in relation to us. He observed, that the act above mentioned was intended to benefit all—that almost all nations had adopted it—that he had had the honor to vote for it—that, although he considered it somewhat hazardous to offer to meet the world as competitors, he was induced to do it, because he knew many who had no interest in navigation or commerce, were dissatisfied on account of the advantages which, it was believed, were conferred upon it by the Government. We have succeeded, notwithstanding the disadvantages under which we labor, owing to our superior industry, activity, and enterprise; but we ought to remember the situation in which we have placed the navigation and commerce of the country. It cannot bear the extraordinary impositions contemplated in the bill before us. Here Mr. R. observed, that, talk about this subject as we might, it must result in mathematical calculations. He begged leave to state what would be the effect of the bill if adopted, upon the district he had the honor to represent, and, for his part, he was happy to hear gentlemen speak of the effect of laws upon their own States and districts; for, in this way only, could we obtain that minute information which was necessary for correct legislation. He well remembered, that, during the last session of Congress, the chairman of the Committee of Manufactures, when he introduced the tariff bill, observed, that, if it bore with great hardship upon any important interest in the country, he would amend it. It did bear hard upon the navigating interest, and upon the part of the country he represented. He then proceeded to state that the district he represented did not possess more than its average share of wealth in the country—that they did possess sixty thousand tons of shipping. It is estimated that every 100 tons of shipping requires four tons of hemp; 60,000 tons would require 2,400 tons. The duty at the present rate, $30 per ton, is $72,000.

Proposed by the new tariff to add $14 80 per ton, which will amount to - - -	$35,520
Add to this the duty now paid -	72,000
Amounts to - - - - -	$107,520

The rigging of vessels is estimated to last four years; this would be an annual tax of more than $26,880 for the article of hemp alone.

It is estimated that four tons of iron are used for a vessel of a hundred tons. For 60,000 there would be required 2,400 tons.

Present duty on iron, $15 per ton, amounts to - - - - -	$36,000
Proposed to add fifty per cent. by the bill before us - - - -	18,000
	$54,000

If vessels last ten years, the tax on iron would amount to, annually, $5,000;

The annual tax on hemp and iron alone would amount to $31,880;

If the whole United States were taxed at the same rate, it would amount to more than 7,000,000.

If a tax to that amount were about to be imposed equally on the different parts of the United States, would it not excite our attention? Should we not hesitate? Should we not be slow to act? Here Mr. Reed read an extract from a memorial of the merchants, mechanics, and ship owners, of Portsmouth, New Hampshire, as follows:

"Your memorialists further represent, that the duties resorted to by the bill, on the various articles usually imported for the construction and equipment of such a ship as has before been described, is found by a calculation on the quantity of those articles actually used in the building and equipment of ships of this size [350 tons,] without armament, to amount to fourteen hundred and fifty dollars, or, in other words, to about five dollars per ton on every ton of shipping manufactured in the United States, of which, at least one half the cost is mechanical labor, and is equivalent to almost thirty days' labor for every ton of shipping manufactured, to say nothing of the great amount of labor, which is constantly required for sailing and keeping the same in repair. Should this great tax be imposed on the machinery of their trade, at the same time that the employment of this machinery would be, to a great extent, reduced, by the other operations of the proposed tariff, and even if some relief be not afforded on the present rate of duty, the scale must preponderate in favor of the employment of foreign ships, now almost universally admitted into the ports of the United States on the same terms with our own; and, at the reduced price at which foreign ships could be constructed, would soon supplant our own ships, even in the valuable carrying trade of the productions of our own country, which will, if this bill should become a law, pass into the hands of our powerful commercial rivals."

He also read an extract from a memorial of the Chamber of Commerce of Philadelphia, as follows:

"The influence of the tariff will be pernicious to he commerce of the country. This branch of industry has confessedly suffered, more than any other, by the events of recent years; it has borne its disasters patiently; they have been inevitable consequences of events, which, although caused by man, man has neither by action nor legislation been able to prevent, and scarcely to mitigate. It is just now creeping again into life; and what is to be the effect of this new tariff? The effect is morally certain; so much so, as almost to infer the intention in those who promote the cause; it is to paralyze and deaden, by one blow, that portion of the commercial capital of this country which is employed in the purchase, importation, and distribution, of all that the new tariff shall exclude from the country; the ships which are built and navigated for its carriage; the numerous artisans who are employed in their equipment; the seamen who man them, and the fixed capital invested in wharves, warehouses, and other property, created as facilities to trade."

Mr. Chairman, I have stated these facts as simply and as concisely as possible, to show that this tariff will operate with peculiar hardship upon the navigating interests of the country. It is oppressive. Why are such burdens proposed to be laid upon these interests? *Cui bono?* Who is to be benefited by it? Upon former discussions on the subject of cotton bagging, we were frequently informed that the additional duty on hemp was imposed for the benefit of the agricultural interests, and especially for that of the State of Kentucky, and other Western States; that it was for "their encouragement." Are gentlemen aware that the navigating interests now pay more than 25 per cent. upon the value of hemp in Russia? That they actually paid $296,773 in the year 1822? That they are compelled to bring this article, bulky as it is, from the Baltic sea? If the moderate freight of $30 per ton be allowed, the freight and duty will amount to $60 per ton, more than half the value of it in Russia, and more than a third of its value here. Is not this encouragement enough? Do gentlemen desire more?

The chairman of the committee observed, in his first speech upon the subject of the tariff, that, where Europe had one acre of land fit to raise hemp, we had ten. Was it ever questioned that we had abundance of land for hemp? I have no doubt on the subject. Indeed, it does not require a vast tract of land to raise all the hemp we need. I hold in my hand a statement of a gentleman from Massachusetts, by which it appears that he raised more than nine hundred pounds upon the acre. Suppose that eight hundred pounds grow upon one acre, then fourteen thousand four hundred and seventy acres would bear more than one hundred and fifteen thousand seven hundred and thirty-five pounds—the quantity imported the last year. If a township, six miles square, contain twenty-three thousand and forty acres of land, of the first quality, a little more than half of such township would be sufficient. I mention this fact to show that we have abundance of land, in all parts of the country, for the purpose of raising hemp. Why, then, is not hemp, of the first quality, raised in considerable quantities in this country? It is not for the want of a steady market.

We were repeatedly informed, in the course of the discussion on the subject of cotton bagging, that the reason why that article could not be manufactured in Kentucky was, that Inverness and Dundee frequently overstocked the market, and there was no sale for the article. That argument will not avail in this present case. There always has been a market. I call upon those gentlemen to tell why they have not furnished the article.

If the hemp of Kentucky be fit for cotton bagging, and some other uses, it is not fit for the rigging of vessels. Here Mr. R. read a letter from John Rodgers, one of the Commissioners of the Navy, showing that, in all contracts made for cordage, they had uniformly introduced a stipulation binding the contractors to manufacture the cordage of the best Russian hemp; that the reason why the Russian hemp was better than the American hemp was wholly owing to the manner of preparing it. The Russian method is called "water rotting;" that practised in the United States "dew rotting."

Mr. Chairman, the same reasons which influenced the Commissioners of the Navy in their contracts made for cordage, influence every discreet owner of a vessel. It is not, as is generally the case where a bad article is sold, the purchaser may sustain some loss—upon the rigging of a ship, must depend the ship itself, cargo, and lives, of those on board.

The labor of preparing good hemp, by water rotting, is considerable, and the process is somewhat difficult. It must be done with great caution. It is not in every country where there is fertility of soil for raising this hemp, that there are conveniences for rotting it. The process of preparing hemp might produce great sickness in a warm climate, and he did believe it would never be raised and prepared fit for navigation, in Southern countries, on that account, and on account of the great labor necessary to prepare it for market. If it should ultimately succeed, contrary to his expectations, he assured the committee that none could be more highly gratified than those engaged in navigation; none were more deeply interested.

Hemp has been raised for many years in Massachusetts and New York, but not to any great extent. The art of preparing it in the best manner, is perfectly well understood. Why has not more been raised? The reason must be, that farmers have thought it more profitable to raise corn, grain, and other things. But, if it could be raised in the West, where they have no market for their grain, where the land is cheap, and produces in abundance, it would be profitable, and it requires no further encouragement. But, if one part of the community must be taxed, to support another, I beg the House again to consider the situation of the navigating interest. The last account from New Orleans, February 17, observes, freights have continued dull during the season, and now, when they were expected to be brisk, vessels are less in demand. Little cotton has been shipped coastwise, at half a cent per pound, and to Liverpool for five-eighths of a penny—not one-fourth of what was formerly paid. Coasting vessels, from Alexandria and Baltimore, to Boston, a distance of seven hundred to eight hundred miles, now carry flour for 25, 20, and as low as 12½ cents per barrel. They formerly received four times as much. Does the interest and policy of this country demand, at this time, that the navigating interest, which but just keeps above water, should be so oppressively taxed, for the mere experiment of rotting hemp? Why should a most valuable interest be destroyed, even if there was some probability of aiding an interest much less valuable?

Here Mr. R. read extracts from the memorial of the merchants and ship owners of the city of Boston, tending to show the danger and impolicy of the duty proposed.

He said, it had been often contended, that great injustice has been done to some parts of the United States, by the tariff of 1816, and particularly to the West. That it had been often suggested, that that tariff was particularly favorable to the interests of New England, and unfavorable to the interests of the Middle and Western States. That the Western States must have a *quid pro quo;* and that this was given by the duty on hemp. In the first place, he said, he denied the fact, that the tariff of 1816 was particularly favorable to any part of the country. Whether it be so or not, the committee will do me the justice to excuse me from the responsibility of making what is called a "one-sided tariff." I voted against it, Mr. Chairman. I will not trouble the Committee to hear the reasons which influenced my vote. One reason, however, as it has so direct a bearing, (as it is introduced into almost every debate upon this tariff,) I will take the liberty to state. I was opposed to the system of estimating every yard square of coarse cotton, (which costs six cents,) at twenty-five cents—which is called "the minimum." I am every day convinced, that it has had a mischievous effect. It deceives the public. Gentlemen are every day declaring, that coarse cottons have been brought into use by the minimum estimation and duty, excluding the India cottons. This has been called protection. "Protect other manufactures," say they, "and they will be equally successful." I admit, Mr. Chairman, that the coarse cottons of this country are now manufactured cheap, and that they are of of the best fabric. But I deny what is alleged to be the cause. They would have been manufactured, although there had been no "minimum," as it is called, in the tariff of 1816. The success of these manufactures has been owing to other causes. He then showed what had occasioned their success; that cotton was cheaper in this country than in any other; that the machinery for spinning and weaving it, was very perfect, and had long been known, in part; that labor was performed by female children, whose labor cost little, &c. Suppose some parts of the country have manufactured more than others, and that the purchasers of the manufactured articles have paid something to aid them, the navigating interest, now proposed to be so severely taxed, have been purchasers—they are not manufacturers. Is it not manifestly unjust, in the first place, to tax them to build up manufactories, in common with other parts of the country, and then call for the *quid pro quo?* Call upon them to pay an enormous duty on hemp, as an offset to the West, on account of what they have done to aid manufactures? If the West have any claim, it is on the manufacturers whom they have aided.

The effect of the proposed duties, Mr. Chairman, is to destroy commerce. If commerce be destroyed, the hemp-growing business will be of little consequence.

There is another view of this subject, worthy of the attention of this Committee. All now know and acknowledge the value of our Navy. We have been this day appropriating money for its support. We are preparing to increase it. What is the value of ships and dockyards, &c., without those 70,000 brave men

"Whose march is o'er the mountain wave,
Whose home is on the deep!"

Cannon and munitions of war may soon be procured; an army of raw soldiers may soon be disciplined; but to acquire the skill and dexterity of good seamen, requires years. Yes, Mr. Chairman, I repeat it, it requires years.

Why did the navies of Spain and Holland succeed formerly? Because they had seamen. Why has France failed in latter years, as to her navy? It has not been owing to want of bravery, or skill in gunnery, but to the want of a sufficient number of skilful seamen. The same causes will produce the same effects.

A navy is essential to our own protection. If we would afford any aid to others; if we would redeem the pledges and hopes excited by speeches and resolves, it must be done by a navy. A navy is useless without seamen, and we cannot have seamen without navigation. This duty, which tends to destroy navigation, tends equally to the destruction of our navy.

I do not mean to intimate, Mr. Chairman, that our vessels will be immediately abandoned, or burned, if this bill passes. Those at present engaged will abandon it with reluctance; a part will unquestionably continue. The first effect will be to destroy foreign commerce, the fruits of which have been the cause of building up of our manufactories. The rich will not be materially injured. The first man (Mr. Gray) who signed the memorial from Boston, from which I have read extracts, has commenced manufacturer upon an extensive scale. He can abandon commerce and navigation, and those who, like him, have great wealth, can do so likewise. If they sustain a considerable loss, it will not be ruinous to them; but the public, the United States, will feel it severely.

Vessels engaged in the coasting trade are owned principally by those who are far from being rich. Many go in their own vessels. They will rise early and go to bed late, if they go to bed at all, and eat the bread of carefulness. They will pursue the business so long as it will afford them a living. Their children will seek a more profitable employment.

I consider the duty of two cents per pound on hemp as oppressive to the navigating interest of the country; that it is calculated and will have the effect of gradually destroying our navigation, and, in its train, our commerce and navy. I therefore hope the proposed amendment will prevail.

When Mr. Reed had concluded—

Mr. Webster desired, before the debate proceeded, to be allowed to state a few calculations, which he believed to be accurate, and which he thought might have a bearing on the decision of the present question. He then read the following:

First cost of one ton of hemp in Russia, on the average of prices for the last three years -		$89 05
Amount of charges in Russian ports	$14 49	
Amount of present duty - -	30 00	
Freight from Russia to the United States - - - - -	30 00—	74 49

Without adding insurance and commissions.

By the proposed bill, the cost would stand thus:

First cost in Russia - - - -		89 05
Charges in Russian ports - -	$14 49	
Freight - - - - - -	30 00	
Proposed duty - - - - -	44 80—	89 29

Amount of duties now actually paid on a ship, burden 350 tons:

14 tons iron, including anchors, at $15 per ton - - - - - - - -		$210 00
13 tons cordage, at $30 per ton, $390, less 1-6 for tar, $65 - - - - - -		325 00
40 bolts heavy duck, duties $2 -	$80 00	
20 bolts Ravens duck, duties $1 25	25 00—	105 00
3,000 pounds copper bolts, 4 cents - -		120 00
Mahogany, hardware, ship chandlery, paints, dry goods for cabin, &c., estimated at $1,000, and paying a duty on average of 20 per cent. - - - - - - - -		200 00
44 hhds. salt, used for salting timber, duties $2 20 - - - - - - - -		96 80
		$1,056 80

These computations, Mr. Webster stated, were furnished by one of his constituents, a gentleman of the utmost probity and accuracy, and he was sure they might be relied on.

The debate was then resumed by Mr. Buchanan, who advocated the duty proposed in the bill, and opposed the amendment, as did also Mr. Tod and Mr. Speaker Clay. It was supported by Messrs. Webster, Mercer, P. P. Barbour, Foot of Connecticut, Cambreleng, and McKim. The debate was continued in a series of speeches, abounding with fact and argument, and occasionally enlivened with attack and retort, in which humor was chastened by decorum.

The following are Mr. Buchanan's remarks in reply to Mr. Reed:

Mr. Buchanan said that, in rising to reply to the gentleman from Massachusetts, (Mr. Reed,) he did not intend to follow him through the excursive range which he had taken. Judging from the speech alone, a stranger to the question might be induced to believe that the measure under discussion was one, the adoption of which would, in its consequences, destroy the commerce and navigation of the country, and endanger the existence of its navy. Mr. B. said that, able and ingenious as had been the speech of the gentleman, he must be permitted to say that a large proportion of it had but a very remote application to the subject.

What, said Mr. B., is the real question now under discussion? By the existing tariff of 1816, the duty upon the importation of foreign hemp is 150 cents upon each 112 lbs. The present bill proposes to increase that duty, which is now equal to 134 cents on the 100 lbs, and to make it 200 cents upon each 100 lbs. And yet this comparatively unimportant measure has given birth to all the fearful predictions of the gentleman from Massachusetts.

Mr. B. said, if there is a single clause in the bill in perfect accordance with the principles and the policy by which its friends profess to be guided, it is the one now under discussion. If it cannot be supported, we may begin to despair of the passage of the bill through this House.

Mr. B. said it would conduce to a proper understanding of the subject, and, in his opinion, at once demolish the greater part of the argument of the gentleman from Massachusetts, to ascertain and fix with precision the nature of the question under discussion. For this purpose, it is necessary that we should discover the ad valorem duty to which the present specific duty would be equal. In doing so, I shall refer to the authentic official documents prepared by the Secretary of the Treasury under the authority of Mr. Sanford's law, and not to a private letter, such as that upon which the gentleman from Massachusetts (Mr. Webster) has founded his calculations. The writer of that letter, it is fair to presume, must have felt a deep interest in this subject, otherwise he would not have taken the trouble of supplying the gentleman with information. When we reflect that self-interest is the most fruitful source of prejudice, and that, if the letter be correct, then are the official Treasury reports altogether deceptive, I take it for granted that the Committee will have but little difficulty in deciding which is entitled to the preference.

From these reports, it appears that the average cost of foreign hemp in the ports from which it was exported, must have been in 1821 $5 92 per cwt.; in 1822, $5 91; and in 1823, $5 83. For the purpose of my argument, I will assume that its average value, for the last three years, on board of the vessel at the place of exportation, has been $118 per ton. This comes within a fraction of the truth, as any gentleman may discover by making the calculation. In order to ascertain what ad valorem duty would be equal to the present specific duty of $30 per ton, we must add to this $118 the ten per cent. required to be added by existing laws, in estimating an ad valorem duty. This would make the dutiable value of the article $129 80 per ton; and of consequence the present specific duty is equal to an ad valorem duty of about 23 per cent. The duty proposed by this bill would, therefore, be equal to an ad valorem duty of about 34 per cent., and would be an addition of only 11 per cent., ad valorem, to the existing impost. These simple facts, taken from official documents in the hands of every member of the Committee, would of themselves be a satisfactory answer to nearly all the arguments of the gentleman from Massachusetts, (Mr. Reed.) His conclusions have resulted from mistaken premises.

But, said Mr. B., I will now exhibit to the view of the Committee another statement, derived from the same official source, which I venture to predict will astonish every person whose attention has not been directed particularly to the subject. In 1819 there were 25,578 tons of foreign hemp, on which a duty was paid, imported into this country. In 1820 there were 46,853; in 1821, 59,963; and in 1822 it had increased to 98,058 tons. Thus, under the operation of the existing duty, in the short space of three years the increase has been nearly fourfold.

In this manner, Mr. Chairman, the astonishing spectacle is presented to the world of an agricultural nation, possessing millions of acres of land capable of producing the finest hemp, dependent for its supply of that necessary article upon a distant country. There must be something rotten in the system of policy from which such consequences proceed. The rapid increase of the importation of the foreign article demonstrates that an additional duty is absolutely necessary to check its further progress, unless you wish to give the growers of the article in Russia an exclusive monopoly of our market in preference to our own farmers. The additional duty proposed is moderate; it is no more than a protective duty in favor of our own agriculture, and will not, at least for many years to come, prohibit the importation of foreign hemp.

If, said Mr. B., I understand the great principle of this bill, it is that a moderate additional protection shall be afforded to those manufactures, the raw material of which either is, or may be made, abundant in this country. Where this raw material is a product of agriculture, it has a peculiar claim to our favor; because, by that means, the agricultural interest, which, of all others, we should the most cherish, and which, in the Middle and Western States, is now very much depressed, will be promoted. When, in addition to these considerations, we reflect that hemp is an article essential to our naval defence, it has claims to our regard which are at least equal to any one in the bill. And yet the policy which we have been pursuing, if we continue to persist in it, will render us entirely dependent upon Russia for our supply.

The gentleman from Massachusetts (Mr. Reed) has contended that the domestic hemp is not equal in quality to the foreign; and, in order to establish this position, he has read the letter from the Commissioners of the Navy, dated 27th January, 1824.

This authority is, I think, exceedingly unfortunate for the support of the argument. I will read one paragraph of it, which will place the subject in its proper light:

"The reasons, say the Commissioners, which entitle Russia hemp to a preference, are to be found, solely, it is believed, in the manner of preparing it for market. In its natural state, American hemp is, unquestionably, as good as that of any other country ; and numerous experiments prove the fact, that, when prepared as Russia hemp is, it is fully equal to the best Russia hemp, and, indeed, superior to that generally imported. The Russian method is called "water rotting;" that practised in the United States, "dew rotting."

This proves conclusively that the American hemp, when taken from the ground, is equal, if not superior, in quality, to that produced in Russia. The difference is in the manner of preparing it for market. The Russian hemp is *water rotted;* the American has heretofore generally been *dew rotted.*

Is there any obstacle to prevent us from water rotting hemp? Certainly not; there is water in abundance, for that purpose, in many parts of the Union which are well adapted to its growth. We have been informed by the Speaker, that the process of water rotting American hemp, has already commenced in several places. Such an additional encouragement to the American farmer as this bill will afford, should it be enacted into a law, will enable him, in a short time, to come into fair competition with the Russian hemp grower, and to bring into the home market, water rotted hemp, of home production, fully equal, if not superior in quality, to that for which we are now dependent on a foreign nation. Is there any American who would not rejoice at such an event?

Will this additional duty, said Mr. B., injure the navigating interest of the country? I admit that it may, for a very short time, enhance the price of hemp a trifle; but it cannot produce any of the evils to that interest which the gentleman from Massachusetts (Mr. Reed) seems to dread. The effect of this measure will be to create a competition, not only between the foreign and domestic hemp growers, but among the domestic hemp growers themselves—and the consequence will be an eventual reduction in the price. The experience of this country, in regard to other articles, justifies this anticipation. Our capacity for the production of hemp is unbounded. All that is necessary, therefore, to make its cultivation successful, is, to direct a portion of the domestic industry, which is now languishing for want of employment, towards that branch of agriculture.

Whilst I am up, said Mr. B., I will advert to an observation made by the gentleman from Massachusetts (Mr. Webster) a few days ago in reply to the chairman of the Committee of Domestic Manufactures. He stated that the old notions concerning a balance of trade were idle and ridiculous, and that they had been exploded by all enlightened political economists of the present day. This may be true so far as it respects political theorists; but no practical statesman, either in our own or any other country, has ever acted upon such principles. There can be no case put which will be a stronger illustration to show the propriety of attending to the balance of trade, than the ruinous commerce which is now prosecuted between the United States and Russia. In that trade there is an annual balance against us of more than $2,000,000. What are the articles which we receive from Russia, and which create this balance? Iron, hemp, and the manufactures of hemp; articles which we are capable of producing and manufacturing in abundance for ourselves. Will any gentleman contend that, if we did supply ourselves with these articles, we would not keep among our own citizens that balance which we now annually pay to Russia, and thus, as a nation, be so much the more rich and independent? Is it necessary to use an argument to prove that this would be a desirable event?

I know, said Mr. B., it has been stated that the trade with Russia is circuitous, and that our domestic products are exported to other countries, and there exchanged for articles which the Russians receive in payment. The trade to Cuba, and from thence to Russia, has been given as an example. This observation, however, applies only to a part of our trade with that country; the larger portion of it is direct, and the balance must be paid in money. And yet this is the kind of commerce which gentlemen wish to continue and extend—a commerce which, while it produces a large balance against us, excludes from our markets the iron and the hemp of our own citizens, and renders us dependent upon foreign countries for these essential articles of national defence. If Russia would receive our productions in exchange for these articles, then there might be some pretence for desiring a continuance of this trade. But, during the last year, whilst the value of our imports from that country was $2,195,870, our domestic exports amounted only to the small sum of $51,635.

If, said Mr. B., this were the proper occasion, it would not be difficult to prove that the balance of trade with the world is now, and for years has been, against us. I would not attempt to do this from the books of the custom-house. I agree with gentlemen that they alone do not afford a correct guide upon this subject. It is certain that they may exhibit a large apparent balance against us, and yet the real balance be in our favor. For example, suppose our exports amounted to $40,000,000, and our imports to $50,000,000, if we had no evidence upon the subject, except the books of the custom-house, we might fairly conclude that our commercial capital, industry, and enterprise, were worth imports to the value of $10,000,000, and that thus the account would be balanced and the country enriched. But is this the case? Do we not know, in addition to the testimony which they afford, that specie, that Government stock, that bank stock of the United States, and even the canal stock of the State of New York, have been leaving the country to purchase goods and pay the debts which we owe to Great Britain? Do we not know that the rate of exchange upon London has been largely and continually against us for several years? This shows, conclusively, that, notwithstanding all the money and the stocks which we have exported, funds in England, for years, have been always wanted by the merchants of this country. Bills of exchange on England, and on the rest of Europe, have uniformly commanded a handsome premium for a considerable period of time. I would ask gentlemen the reason why they have been in such demand, if it were not to pay the continual balance against us in our trade with the world. Would it not, then, be desirable to diminish our imports and increase our exports? This bill, should it pass, will, in my opinion, accomplish that desirable object; and the additional duty upon hemp, which it proposes, will, in no small degree, contribute to its attainment. But, sir, said Mr. B., I find I am getting into a discussion of the general principles of this bill, which I do not, at present, intend; and I will, therefore, desist, at this time, from prosecuting the subject farther.

The question was taken on the amendment and decided in the negative—ayes 69, noes 107. And then the Committee rose, and the House adjourned.

Wednesday, March 24.

The **Speaker** laid before the House a letter from the Secretary of War, accompanying a statement of the expenditures at the national armories, and of the arms, &c., made therein, during the year 1823; rendered in obedience to an act of the 2d of April, 1794; which letter and statement were laid on the table.

Mr. **McLane**, of Delaware, from the Committee of Ways and Means, to which was referred the petition of Joseph C. Tucker and Elisha Dwelle, reported a bill authorizing the Secretary of the Treasury to adopt a new hydrometer for ascertaining the proof of liquors; which was read twice, and committed to a Committee of the Whole.

Mr. **Little**, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Dean Weymouth," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. **Edwards**, from the Committee on Revolutionary Pensions, to which was referred the bill from the Senate, entitled "An act for the relief of Noah Smith, of Maine," reported the same with an amendment and it was committed to a Committee of the Whole.

Mr. **Reynolds** laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House, as soon as convenient, any information which he may have in his possession, showing the reason why the engineers appointed "to examine the most suitable site for a national armory on the Western waters," have not made their report.

Mr. **Allen**, of Massachusetts, laid the following resolution on the table for consideration to-morrow, viz:

Resolved, That the rule numbered *eighty-four*, of the standing rules and orders of the House, be rescinded.

On motion of Mr. **Hamilton**, the Committee on Military Affairs were instructed to inquire into the expediency of authorizing the President of the United States to exchange five arpens of land, on the south side of the public lot, in the town of Baton Rouge, in Louisiana, for an equal number of arpens on the north side of the same lot, which have been confirmed to the heirs of Eulogia de Casas.

On motion of Mr. **Owen**, the Committee on Military Affairs were instructed to inquire into the expediency of making provision by law to authorize the erection of a national arsenal on the Alabama or Tombigbee rivers, at such point as may be thought the most eligible for the defence of that section of the United States.

On motion of Mr. **Cassedy**, the Committee on the Judiciary were instructed to inquire into the expediency of altering or amending the act of Congress, passed March 3d, 1797, which provides that writs of execution upon judgments obtained for the use of the United States, in any of the courts of the United States, in one State, may run and be executed in any other State or Territory of the United States, in such manner that purchasers and others may be furnished with some convenient means of ascertaining the liens or encumbrances created by the judgments or executions in such cases, upon the property of the defendants.

On motion of Mr. **Hamilton**, the Committee on Naval Affairs were instructed to inquire into the justice and expediency of reporting a bill for the relief of Henry Ingraham, survivor of Nathaniel Ingraham and sons, late navy agents, at Charleston, in South Carolina, and their sureties, on the terms proposed by the said Henry Ingraham, to the Treasury Department.

The engrossed bill "making appropriations for the support of the Navy of the United States for the year 1824," was begun to be read a third time; before completing the reading, it was observed that an error had occurred in the engrossing—whereupon, the reading was suspended.

THE TARIFF BILL.

The House went into Committee of the Whole, (Mr. **Condict** in the Chair,) on the bill "to amend the several acts laying duties on imports."

Mr. **Foot**, of Connecticut, moved to amend the bill, by inserting, after the 254th line, the following clause: "on all wines which are now charged with a duty of fifteen cents per gallon, twenty-five cents per gallon."

Mr. **Poinsett**, of South Carolina, opposed the amendment. He did not desire to see this country a wine growing country, as, in comparison with corn growing countries, they were always poor and miserable.

Mr. **Brent**, of Louisiana, opposed it, as not calculated to aid domestic industry.

Mr. **Gurley** quoted statistical details, to show that a reduction of the duty on low priced wines had increased the revenue. Raising the duty was, therefore, not calculated to benefit the revenue. He replied to Mr. **Tod's** remark, as to the ability of Louisiana to pay the duty, the protection of sugar, the profit of negro labor, &c.

Mr. FOOT, of Connecticut, replied, that he only had wished, on this item, to restore the tariff of 1816. The reduction of the duty had destroyed a promising infant manufactory in his district, and he wished to raise the duty for the general purpose of cherishing the produce of wine in the United States.

Mr. TRIMBLE, of Kentucky, made a calculation to show that low duties on these wines would increase the revenue, and augment a trade which was profitable to this country.

Mr. STEWART, of Pennsylvania, combatted the view and argument of Mr. TRIMBLE, and contended that as much wine would be used at twenty-five as at fifteen cents duty.

Mr. TOD, of Pennsylvania, replied, and signified that he had no wish for the adoption of the amendment; and the question being taken on the amendment of Mr. FOOT, it was decided in the negative, without a division.

Mr. TOD moved to strike out from line 99, to 104, inclusive, viz:

"On Russia duck, per piece of fifty-two archeens, two dollars each piece;

"On Raven's duck, per piece of fifty-two archeens, one dollar and twenty-five cents each piece;

"On Holland duck, per piece of fifty-two archeens, two dollars and fifty cents each piece."

Mr. T. stated, that the manufacture of duck was now established; much of the flax had to be imported from Ireland, and there was some reason to apprehend that the duty, as proposed, would interfere with the provisions of the British treaty. He therefore desired to leave this manufacture under another provision of the bill.

Mr. WEBSTER, of Massachusetts, asked for explanation.

Mr. TOD replied, that the ad valorem duty laid on duck in the other part of the bill, was 25 per cent.; that proposed in this, amounted to about 20 per cent.; so that striking out would raise the duty 5 per cent.

Mr. MCKIM, of Maryland, wished for farther consideration.

Mr. CLAY supported Mr. TOD's motion. The article now made was of an excellent quality. The American Navy had adopted the use of it. It was a manufacture for which this country was well adapted; and it diminished a trade the most disadvantageous of any in which we are engaged.

Mr. CROWNINSHIELD went into an extended statement of facts, in relation to the manufacture of sail duck, and the several kinds of that article imported from abroad. Of these, he stated the Dutch to be the best, the Russian next, then the French, and, lastly the English. The inferiority of this last kind, he attributed to the English practice of dew-rotting the flax of which the duck is made. In Holland, it is water-rotted; and, in Russia, undergoes another process, somewhat different from both. He gave a detailed account of the factory at Salem, in its first abortive attempt at using the American flax, and its late successful manufacture of sail cloth from flax imported from Ireland. The article he acknowledged to be of the very first quality, but furnished at a price which the Navy alone would pay. The factory was kept in being by Navy contracts alone—not a bolt of its duck had ever been used in a merchant ship, notwithstanding it was situated in the most commercial district in all the Union. Mr. C. went into a course of general argument against the bill. He censured the grasping ambition of this young country, which nothing could satisfy. We were seeking to monopolize every branch of profit to ourselves; we must have every enterprise of commerce, all the profit of manufactures, and the whole system of agriculture, to ourselves. We said to the North, give up, and to the South, keep not back. And stretched our desires over the whole earth. He stated the commercial character and situation of his constituents; his district contained probably twice the amount of commercial capital to that of any other district represented on this floor; it had honorably paid every custom-house bond, with one solitary exception; and even that could yet be recovered. It had never been a manufacturing district, and never would be. The habits of commercial men were not to be changed by the talismanic touch of an act of legislation. It was vain to expect to draw about the capital of a trading people at your will, by silken cords; it must be done slowly, gradually, surely, and by natural causes. He showed that the proposed duty would be injurious to the navigation of the country, and eulogized the ingenuity, art, and science, displayed in the construction of a ship. In reply to the argument that the consumer pays the duty, Mr. C. asked, who is the consumer? Who eats hemp? Who eats iron? Who wears sail duck? And replied, it was our ships; all that part of the proposed tariff went to oppress the interests of navigation.

Mr. KREMER then rose, and insisted that this than the individual citizens themselves. This duty was no higher than that recommended by the Secretary of the Treasury. He thought the arguments of the honorable member from Massachusetts were very extraordinary. That gentleman asks if we can change the habits of merchants by cords of silk, and whether we were the Israelites of old? I say yes, we are; and I will prove it to the gentleman from the Good Book. It has been said to us, as it was to Israel of old, if ye will hearken to the voice of the Lord your God, you shall, yes, you shall, be the head, and not the tail, of all the nations of the earth. You shall lend to many, and borrow of none. You shall, like the good people of the gentleman's district of Salem, pay all your custom-house bonds, with the exception of one—to be sure, all the districts of the Union could not compare with the gentleman's district. They were not so rich as the merchants of Salem. But, if those gentlemen had had all the fat of the soup, it was time they spared some to the rest of the country. He was in favor of doing equal justice to all. If the growers of hemp, to the West, were properly protected, perhaps they might, in time, be able to say to the gentleman, "We pay our debts, too." He hoped the amendment would prevail.

Mr. CLAY spoke in reply to the gentleman from

Massachusetts, (Mr. CROWNINSHIELD,) so far as he had not been answered by the speech of the honorable gentleman from Pennsylvania. The gentleman had said that the Navy distributed its contracts at high prices with a view to become popular with the nation. He wished that Government would pursue, throughout, the policy of encouraging our own ingenuity, industry, and enterprise. There could be no more certain or more honorable path to popularity. But he thought the gentleman's argument went to confute himself. He said that, but for the patronage of the Navy, the factory at Salem must die. What did this show? That nothing was wanting to the manufacturer but Governmental protection—the very thing for which the friends of the bill contended. Mr. C. insisted that the effects of the American efforts had greatly lowered the price of this article. It had been furnished to the Navy since the peace, at twenty-two dollars, but could now be supplied at seventeen dollars, while the best Russian was at from sixteen to twenty dollars. The report of the Secretary of the Treasury recommended an *ad valorem* duty of twenty-five per cent. the very rate at which this amendment would place it.

Mr. FLOYD said that he had heard, in the course of this debate, a very frequent reference to the former tariff bills, and it was often said that duties in this bill were not higher than in those—but it must be remembered that the former tariff bills had been professedly for revenue—this was professedly for a different object, and, therefore, there was no proper parallel to be drawn. He insisted that the bill would not benefit the farmers, (of which number he had the honor to be one.) As to its aiding agriculture by requiring more flax, the object was too small to be worth consideration. It was confessed that, unless the factories could get fat contracts from the Government they could not go on. No doubt with such contracts they might thrive and grow rich. It was argued that we must cut off foreign trade, and promote home products. But, he asked, who will buy? Was it contended the manufacturers would themselves supply the farmer with a market? If all the five hundred thousand manufacturers of the United States were put into one of the Western districts, a circle of sixty miles diameter would furnish all they could consume. Could any body believe that we could take hands away from the agriculture of the country, to compete with the manufacturers of Europe? Something had been said about domestic tallow. Did ever a farmer kill his beef for the sake of the tallow?

Mr. CUTHBERT wished to ask one question of the honorable chairman of the Committee of Manufactures. If the article of duck requires protection at this time, and the duty laid on foreign duck is just enough to balance the duty on the foreign flax used in the domestic article, how is it protected? If the one balances the other, what is gained? Mr. C. made some general remarks on the policy of the bill. So soon as we attempted to protect one trade, we interfered with another. Link touched link—and there was no end to our difficulties.

Mr. TOD spoke in reply and explanation.

Mr. CUTHBERT was not satisfied, and required still further explanation.

Mr. CASSEDY repeated some statements he had before made. The domestic duck was not made wholly, but only in part, of imported flax. So there was not a balance between the duties.

Mr. CUTHBERT rejoined, and complained that one duty was made a plea for another. We first lay a duty on flax—and, then, having done this, it is urged as a reason, why we must lay another duty on duck.

Mr. CROWNINSHIELD replied to Mr. CLAY, in relation to the quantity of cloth in a bolt of American duck. The domestic article was twenty-four inches wide; the foreign was over thirty, and the length of the piece, the same. The price, it was true, had been reduced; but this was done by deteriorating the goods. Single instead of double warp was used, and tow filling instead of flaxen; and yet, after this adulteration, the article was still dearer than the imported.

The question was then put, on the amendment of Mr. TOD, and carried—ayes 93, noes 77.

Mr. CLAY moved to increase the existing duty on the article of molasses. He believed there was no fairer object of taxation in the proposed tariff. His great wish was to promote American agriculture; and, with this view, to encourage the production of the raw material of any subject of manufacture to which our own country was adapted, rather than the importation of the rival foreign article. Molasses was to be considered—first, as an article of subsistence. As such, the existing duty bore no proportion to that on brown sugar. It was capable of being applied, and was in fact applied, to almost all the purposes of brown sugar. This latter article was subject to a duty of three cents per pound. A gallon of molasses, containing not less than eight pounds, paid a duty only of five cents; that is, a little more than half a cent a pound. Secondly, as a substance capable of conversion into spirituous liquors. The least duty imposed on them was thirty-eight cents per gallon. If the policy of the country be well founded, in imposing this high duty on spirits manufactured abroad, it equally dictates that a high duty should be imposed on an article produced abroad, susceptible of easy conversion into spirits, and which comes into competition with articles raised at home, capable of similar conversion. Thirdly, as a raw material of manufacture. On this point, it appeared to Mr. C., that we ought to discourage, even for the purpose of manufacture, any raw material, raised abroad, of which articles, capable of a similar fabrication, can be certainly produced in abundance at home. No one will doubt that the grain of our country produces a spirit equal, at least, to that which is distilled from molasses; nor our ability to produce it in the greatest abundance. He did not mean to take up the moral considerations of the question. He intended to ask the attention of the Committee to the matter practically. A certain amount of spirituous liquors will be consumed whatever we may think or wish upon it as moralists or philanthropists. Assuming that practical principle, we are to consider whether it is not better for our country to derive the whole profit, both as to the production of the raw material and the distillation of it, rather than divide it with foreigners. Every gallon of spirits, distilled from foreign molasses, and consumed within the country, takes the place of a gallon of spirits distilled from domestic produce. The foreigner enjoys the benefit of the value of the raw material, and we that of its manufacture only. This latter advantage we should still possess, if we substituted a native raw material to that which is furnished us from abroad; and, consequently, the mere interest of manufacturing would not suffer by the exclusion of the foreign material. There would, at most, be only a change in the theatre of distillation.

The increase in the import of molasses was very great, so great as to threaten the supplanting of the native materials of distillation. From 1790 to 1800, inclusive of both years, the total quantity of molasses imported was 53,323,607 gallons; that is, an average of 4,837,600 gallons for each of these eleven years. From 1801 to 1811, inclusive of both those years, the total quantity imported was 78,224,651 gallons; that is, upon an average, 7,111,320 for each of the latter term of eleven years. The population of the United States increases in a ratio of about four per cent. per annum. And the increased importation of molasses, during the latter term of eleven years, beyond that of the previous term of eleven years, was about what it ought to have been, supposing the increase of consumption to be according to the progressive augmentation of our population. Applying the same principle, the quantity of molasses imported in 1822 ought to have been 9,375,040, instead of which the actual quantity was 11,990,569 gallons for that year, and for the last year it rose to 13,019,328 gallons! The principle which Mr. C. thought ought to govern our manufacturing policy was to encourage—1st, the manufacture of our own raw materials; 2ndly, the manufacture of foreign raw materials which do not come into competition with any that are native; and 3rdly, but least of all, those which compete with our own produce. Of all parts of our country, the grain growing now suffers the most. Whatever, therefore, would tend to reanimate that, without material detriment to others, ought to meet with a favorable consideration. According to an estimate of a former Secretary of the Treasury, in 1810, of the 6,834,878 gallons of molasses, then imported, five millions were supposed to be distilled, and the residue, 1,834,878, were consumed for other domestic purposes. Applying that rule—of the 12,019,328, imported last year, 2,786,413 gallons were consumed in domestic purposes other than that of distillation, and 10,232,915 gallons in distillation. Supposing (which is a low estimate) a gallon of molasses to produce only a gallon of spirits, there was distilled 10,242,915 gallons of spirits. To produce this quantity from grain, would require about five millions of bushels. And the total export of the breadstuffs of the last year did not equal five millions of bushels of grain. Thus, by excluding the foreign raw material of molasses as an object of distillation, we should create an additional market at home, for a quantity of grain equal to about the whole export, in the form of breadstuffs, of that article last year. Suppose it were attempted to import grain from abroad, for the purpose of distillation, would not every one cry out against it? And where is the difference between such an operation as that would be, and the importation of molasses convertible into a worse spirit than that which is distilled from grain?

Fourthly, and lastly, molasses ought to be considered as a source of revenue. The effect of the additional duty, which he meant to propose, would be merely to lessen the importation, and thereby give greater scope for the consumption of our native produce. To what amount it would lessen it could only be matter of conjecture. If one half, and the duty which the committee might fix should be twelve-and-a-half cents per gallon, there would be an augmentation of revenue in the ratio of twenty-five per cent. upon the present amount. Taxed at that rate, the duty would still be greatly below the standard which is furnished by that on brown sugar, or on that of spirits.

So far as it may be considered as an article of mere subsistence, Mr. Clay felt no disposition to increase the duty, low as it would be, if his proposition were adopted, in comparison to brown sugar. If there could be a discrimination made between that portion of the material which was distilled and that which was consumed in other domestic uses, he would, with pleasure, adopt the discrimination. He knew of none that was practicable. He finally proposed to insert in the bill a duty of two-and-a-half cents per gallon on molasses, but subsequently reduced the proposed amount of duty to ten cents.

Mr. Foot, of Connecticut, remarked, that the opponents of the bill had early been told that the policy of this country must be changed. He now perceived that the honorable Speaker was sincere in that declaration. All he should observe was, that the gentleman, and those who acted with him, were before a country which was competent to judge and to pronounce upon the course they were taking.

Mr. Tomlinson, of Connecticut, rose in reply to the Speaker, and observed, that it would have been satisfactory to him to have been apprized that such a motion was about to be made; but, though he had not enjoyed that advantage, and was therefore obliged to reply with less time for consideration than he could have wished, he still felt it his duty to state his views, in answer to those which had been expressed by the honorable Speaker. That gentleman had admitted, that the article now about to be taxed, is an article of subsistence. It is so; and one used to a great extent by the poorer classes of the community. The proposition is, to tax the labor of the country; to draw revenue from the mouth of the poor and hard working man. The gentleman had actually gone so far as to calculate how much of every meal was to go to the payment of this contribution. He had stated it at a fraction of a cent. But even a fraction of a cent on every meal, when the meals, as they must be, were often repeated, amounted to a considerable sum in the course of the year. We must look at the actual state of facts. The Speaker had made a calculation, in which, as it consisted in figures orally stated, and not submitted to the eye, Mr. T. said he had not been able to detect any fallacy; but he was satisfied there must be a very great error in some part of it. He also had made a calculation, and its result was very widely different. To arrive at the quantity of molasses actually distilled into spirits, he had resorted to the report of the marshals appointed in 1820, to take an account of the manufactures of the United States. [Here Mr. T. quoted a statement, in figures, the result of which was, that not more than one-fourth of the quantity stated by the Speaker, was distilled.] He had endeavored to arrive at the same fact, by examining the returns of internal duties in 1814; which examination confirmed this conclusion. Mr. T. here read the following statements, going to prove that a large part of the amount of spirits to which the Speaker alluded, was produced, not from molasses, but from his own rye and corn, viz:

By the returns of the marshals, made in 1820, it appears that the quantity of molasses distilled in the United States, in that year, was - galls.	2,492,700
Add, as the estimated increase from 1820 to 1822 - - - - - - - -	199,416
And the quantity distilled in the latter year will be - - - - - - - -	2,692,116

The quantity of molasses imported in the years

			Gallons.
1801, was	6,833,261		
1802 -	5,877,672		
1803 -	5,747,256		
	18,458,189	Average for the 3 years	6,152,729
1809 -	8,055,629		
1810 -	8,634,418		
1811 -	8,141,264		
	24,831,311	Average for those years	8,277,103
1821 -	9,086,982		
1822 -	11,990,569		
1823 -	13,019,328		
	34,096,879	Average - - -	11,365,926

If it be supposed, said he, that the augmentation of the population has been in the ratio of 36 per cent. in 10 years, and the average of molasses imported in 1801, '2–'3, be taken as the basis of the calculation, the result will be, that the average consumption of the years 1821, '22, and '23, will require - galls. 11,393,672

In 1810, according to Seybert's Statistical Annals, page 256, the quantity of molasses imported was - - - - - -	8,634,418
Exported in that year - - - - -	18,837
	8,615,581
The quantity of molasses distilled in that year, is stated by Seybert, page 463, to have been - - - - - - -	2,827,625
Making the quantity consumed for domestic purposes in 1810 - - - - -	5,787,956
Increase of consumption, for domestic purposes, in 10 years, at 36 per cent. -	2,083,644
	7,871,620
Increase, from 1820 to 1822, at 7 per cent.	551,013
Making the quantity thus consumed in 1822 - - - - - - - -	8,422,033
The average of molasses imported in the years 1821, 1822, and 1823, is - -	11,365,926
Consumed, for domestic purposes, in the year 1822 - - - - - - -	8,422,633
Thus it appears that the quantity distilled in 1822, was only - - - - -	2,943,293

It is stated in Seybert, page 463, that, in 1810, the marshals returned the quantity of spirits distilled in the United States—

	Gallons.	Gallons
From fruit and grain - -	22,977,167	
Exported - - - - -	133,853	
		22,843,314
From molasses - - -	2,827,625	
Exported - - - - -	474,990	
Domestic spirits consumed in 1810 - - - - - -	2,352,635	2,352,635
Making the quantity of domestic distilled spirits consumed in the United States in 1810 - - - - - - - -		25,195,949
The average of imported spirits consumed in that year - - - - -		6,834,878
Total amount of spirits consumed in that year - - - - - - -		32,030,827
Add for increase of consumption, at 43 per cent. for 12 years, makes - - -		13,510,331
Making the quantity of spirits consumed in 1822 - - - - - - -		45,541,158
Deducting from this amount the quantity imported in 1822 - - - - -		5,088,984
Leaves for the consumption of the United States, in that year, of domestic distilled spirits - - - - - - -		40,452,169
The amount distilled from molasses has been shown to be - - - - - -		2,943,293
Thus, the quantity distilled in the United States, from domestic materials, in grain and fruit, is shown to be - -		37,508,876

Mr. T. then went into a statement to show the quantity of sugar imported, at different periods, from which it appeared that the quantity of sugar brought into the country had decreased; and he argued thence, that the domestic use of molasses in families had increased. He admitted, indeed, that the sugar of Louisiana had, to some extent, taken the place of foreign; but not sufficiently to effect this result. But, said Mr. T., even granting the gentleman's premises, allow that ten millions of gallons of spirits have been made from molasses in one year, still I should not assent to the duty now proposed. How is this molasses procured? By exchanging for it the productions of agriculture, and such productions as could not, by any process, be turned into whiskey, (for now the rage seemed to be, to make every thing into whiskey.) Fish, lumber, butter, cheese, could not, certainly, be so converted; and these were the articles which went to bring the molasses from the West Indies. If you prevented its introduction, you prevented, to the same extent, their exportation; and so far deprived the people of one section of the Union of a market for their industry. By the present tariff, a duty of five cents a gallon is laid on this article. The result of which is, an income to the Government of $500,000; and the consumers of it are confined to a comparatively small district. To these persons, the proposed amendment will be a direct tax on one of the necessaries of life—on an article of the subsistence of the poor. He then went into a statement to show that the original cost of a gallon of molasses, in the West Indies, was only ten cents. So that the duty of twelve and a half cents will be one hundred and twenty-five per cent. on the first cost of the article.

He proceeded to argue, that this increase of duty, instead of augmenting, would diminish the revenue of the country, and would, in effect, exclude the article altogether. He could not believe, that the manufacturer of whiskey needed this duty as an encouragement. By a price-current of New Orleans, it appeared that Kentucky whiskey was worth from 33 to 34 cents; a bushel of rye makes 2½ gallons, equal to 66 cents. If this was not sufficient encouragement, he must be greatly deceived. But to this must yet further be added, the profit of the animals fattened on the grain after the process of distillation was over. Under all these views of the subject, (very hastily presented,) he could not but hope that the proposed amendment would be rejected by the House.

Mr. Fuller accounted for the different results to which the honorable Speaker and the gentleman from Connecticut had come, from the fact, that large quantities of the imported molasses were refined and converted into loaf sugar, for exportation; and that a part of the rum distilled from molasses is also exported. Both these amounts must be deducted from the apparent amount consumed.

Mr. Clay rejoined. Admitting that part of the molasses is converted into sugar, (though this was the first time in his life he had heard of such a thing; he always supposed that molasses was a residuum which could not be grained.) Still, he asked, if there was any just proportion between the duty on sugar and that on molasses? If the molasses was to be considered as sugar, the case was still worse than if it was to be considered as spirits. Touch it but with the wand of the manufacturer, and straight it would bring, as sugar, a protecting duty of three cents a pound; but, as molasses, it paid only five cents a gallon. He repelled the idea, that this was a duty for the West. He knew not that it would benefit that section of country more than others. Nor did he care where the benefit fell; it would fall somewhere. Wherever grain was grown throughout the Union, its effects would operate—nor are grain growers alone—the fruit raising districts, (including that of the gentleman from Connecticut,) would all be aided by it. Peach brandy and apple brandy would both be benefited by excluding West India molasses, and diminishing the rum made from it. He aimed not at the eaters, but at the drinkers, of New England; and if the gentleman could devise a plan by which they could be separated, so that the duty would bear upon the latter only, he would immediately vote with him in its favor. As to its taxing the food of the poor, he asked, whether it was equal to the duty on brown sugar, or bohea, both of which were food of the poor?

Mr. C. here quoted a statement from a work by Mr. Picton, (on whom he passed a merited encomium, and who is a citizen of the same State with Mr. T.) to corroborate the position he had taken in respect to the proportion of molasses distilled, to that used for food; and closed, by reducing his motion to a duty of ten cents per gallon.

[During this reply, Mr. Clay was several times interrupted by Mr. Sibley, of Massachusetts, who appeared disposed to controvert the Speaker's statements; but Mr. C. declined yielding the floor to him.]

When Mr. C. concluded, the question was taken on the motion to insert in the bill, a duty of ten cents per gallon on molasses, and decided in the affirmative—yeas 100 votes to 88.

Mr. Webster then moved an amendment of some length to the bill, the object of which is to allow a drawback to the printers and stainers of imported silks and nankins, on the re-exportation of those articles, accompanied with guards against frauds.

Mr. W. stated, in explanation of his motion, that there existed, near New York, an extensive establishment for the printing of silks, cottons, and nankins. By the present law, the exporters of those articles were not entitled to drawback, because the imported article had undergone a great change. The conductors of the institution were under the impression that a considerable export trade could be carried on if they had this benefit. He believed that it might be so guarded as to prevent any great danger of frauds upon the revenue, and he had drawn the amendment with that view.

The amendment of Mr. W. was ordered to be printed; and then the Committee rose.

The third reading of the Navy Appropriation bill was then gone through with; the bill was passed and sent to the Senate, and the House adjourned.

Thursday, March 25.

Mr. Newton, from the Committee on Commerce, to whom the subject had been referred, reported a bill concerning wrecks on the coast of Florida; which was read twice, and committed to a Committee of the Whole.

The resolution offered yesterday by Mr. Reynolds was taken up and agreed to.

The House took up the motion of Mr. Allen, of Massachusetts, made yesterday, to rescind that rule which forbids, in Committee of the Whole, a motion to rise prior to the hour of four, while a question is pending.

After some discussion of the subject, in which Messrs. Allen, Livermore, and Floyd, supported the rescinding, and Messrs. Trimble, Mercer, and Taylor, opposed it—

The yeas and nays were then taken on agreeing to the resolution moved by Mr. Allen, and are as follows: For rescinding the rule 93; against rescinding it 78.

So the resolution was carried, and the rule of the House was rescinded which forbids adjournment before the hour of four o'clock, when any subject is before the House, in Committee of the Whole, which has been already one day debated.

A bill from the Senate "releasing to John McAllister, or the legal representatives of John Forbes, a certain tract of land," was twice read, and committed to the Committee on Private Land Claims.

A bill from the Senate "for the relief of the heirs of Don Harpin de la Gautrais," was also twice read, and committed.

A bill from the Senate "for the relief of Captain Thomas Staniford," was twice read, and ordered to lie on the table.

Two Messages were received from the President of the United States, as follows:

To the House of Representatives of the United States:

Having stated to Congress, on the 7th of December last, that Daniel D. Tompkins, late Governor of New York, was entitled to a larger sum than that reported in his favor, by the accounting officers of the Government, and that, in execution of the law of the last session, I had the subject still under consideration, I now communicate to you the result.

On full consideration of the law, by which this duty was enjoined on me, and of the report of the Committee, on the basis of which the law was founded, I have thought that I was authorized to adopt the principles laid down in that report, in deciding on the sum which should be allowed to him for his services. With this view, and on a comparison of his services with those which were rendered by other disbursing officers, taking into consideration, also, his aid in obtaining loans, I had decided to allow him five per cent. for all sums borrowed and disbursed by him, and of which decision I informed him. Mr. Tompkins has since stated to me that this allowance will not indemnify him for his advances, loans, expenditures, and losses, in rendering those services, nor place him on the footing of those who loaned money to the Government at that interesting period. He has also expressed a desire that I would submit the subject to the first decision of Congress, which I now do. In adopting this measure, I think proper to add that I concur fully in the sentiments expressed by the Committee, in favor of the very patriotic and valuable services which were rendered by Mr. Tompkins in the late war.

JAMES MONROE.

March 25, 1824.

The Message was referred to the Committee of Ways and Means.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 25th February, requesting information whether the title of the United Brethren for propagating the Gospel among the Heathen, to certain sections of land in Ohio, has been purchased for the United States; and, if so, to cause a copy of the contract, and of the papers relating thereto, to be laid before the House, I transmit, herewith, all the documents required.

JAMES MONROE.

Washington, *March* 25, 1824.

The Message, &c., was referred to a select committee, and Messrs. Wright, Campbell, of Ohio, Buckner, Cook, Hayden, Markley, and Sterling, were appointed said committee.

FRENCH SPOLIATIONS.

Mr. Forsyth, from the Committee on Foreign Affairs, to which had been referred, at the present session, sundry memorials upon the subject of spoliations committed on the commerce and navigation of the United States, by French cruisers, between the years 1793 and 1800, made a detailed report thereon, which was laid on the table. The report is as follows:

On the petitions of Hadrianus Van Noorden, William and Nathaniel Hooper, Daniel Henshaw, several merchants and underwriters of Salem, several merchants of Gloucester, several merchants and underwriters of Alexandria, District of Columbia, several merchants of Washington, North Carolina, Henry Clark and others, of Kennebunk, and several others, merchants, in Maine, referred to the Committee of Foreign Relations, they report—

That no evidence accompanies either of the petitions; all of which, except the first, are literally the same, having been apparently prepared by concert among the claimants, to be presented to Congress. To discriminate between them is not practicable, if it were desirable. The committee are compelled to present, in general terms, the nature of these claims, as set forth by the parties interested, and to examine, as briefly as possible, the grounds upon which relief is asked from the Government of the United States. The claims are founded upon spoliations committed by the private and public armed vessels of France, between the years 1793 and 1800.

The petitioners allege that the French Government, to the date of the ratification of the treaty of 1800, always considered the recognition of their claims as due to its honor, and attached them as a charge upon its national character.

That the Government of the United States, which has volunteered its agency for the recovery of them from France, exercised its power and authority to prevent the petitioners from obtaining indemnity—that the Government of the United States received from France a full and fair equivalent for the claims, in the discharge from its liabilities under the treaties with France, and the abrogation of those treaties.

Similar applications, if not by the same persons, have been frequently made to Congress, and reports upon them are to be found in the records of the House of Representatives and of the Senate. None of these applications have been successful. Without attempting even to enumerate the failures to obtain a sanction to their statement and to their claims, the Committee refer the House to a detailed report of the various acts of the Government of the United States and of France, from 1793 to 1800, made by a select committee, on the 22d of April, 1802, to which applications like the present were referred. Governed by that report, the Committee of Foreign Relations are not satisfied that the French Government ever admitted the justice of the claims of the petitioners, or ever intended to pay them; that the Government of the United States used every effort, even to war itself, to rescue the property of American merchants from the lawless violence of France; that its efforts to procure payment for the spoliations committed by the French cruisers, were not discontinued until it was obvious that there was no hope of success. That this Government *never* received from France *any* equivalent for the claims of Americans upon France. The war of aggression was commenced by France, and every act of the United States was a just retaliation for previous injury. The treaties with France were annulled by an act of Congress in 1798, in consequence of the utter disregard of the stipulations of them by that Power.

In short, to justify their claims upon the United States, the petitioners assume, that France was right, and their own Government wrong. That France was prepared to make a just reparation for the outrages committed under her own laws, until released from her obligations by the United States, who were faithless to their trust, in the first instance, and have been regardless of the obligations of justice ever since, assumptions not consistent with truth, nor creditable to the patriotism of those who make them. The committee recommend to the House to adopt the following resolution:

Resolved, That petitions of the several persons who ask indemnity for spoliations committed by French cruisers on their property, between the years 1793 and 1800, be rejected.

THE TARIFF BILL.

The House then again went into Committee of the Whole, on the bill "to amend the several acts laying duties on imports," Mr. Condict in the Chair.

The question being on the amendment of yesterday, offered by Mr. Webster, which amendment is in the following words:

"Sec. 6. *And be it further enacted*, That the drawback allowed by law on plain silk and nankeen cloths, imported in American vessels from beyond the Cape of Good Hope, shall be allowed, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States. But, whenever any such cloths, so imported, shall be intended to be so colored, printed, stained, dyed, stamped, or painted, and afterwards to be exported from the United States, with privilege of drawback, each package thereof shall, before the same shall be delivered from the public stores, be opened and examined by an inspector of the customs, and the contents thereof measured or weighed, and the quality thereof ascertained, and a sample of each piece thereof reserved at the custom-house; and a particular account or registry of such examination, describing the number of pieces in each package, their weight or measure, and the samples thereof reserved, shall be entered in the books of the custom-house; and, after such examination, said goods shall be repacked in the original package, and the said original package shall be marked with a custom-house mark. And, whenever any such goods, being thus colored, printed, stained, dyed, stamped, or painted, shall be entered at the custom-house for exportation and drawback, the same shall be so entered in the original package, marked as aforesaid, and not otherwise, unless the person so entering the same shall give satisfactory evidence to the collector or naval officer, or one of them, that such original package has been lost or destroyed by accident; and no such application for drawback shall be made, except on the contents of entire packages; and, upon application for such entry and drawback, the contents of the packages, so offered, shall be examined by an inspector of the customs, and measured or weighed, and compared with the original entry, registry, and samples, and if, upon such comparison and full examination, the collector shall be satisfied that the contents of each package are the same identical goods imported and registered as aforesaid, and not changed or altered, except by being colored, printed, stained, dyed, stamped, or painted, as aforesaid, then the person, so entering such goods, shall be admitted to the oath prescribed by law, to be used in cases of application for exportation of the goods for the benefit of drawback, and shall, thereupon, be entitled to drawback as in other cases: *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities, heretofore established, for entries of goods for exportation with the benefit of drawback. And, if any person shall present, for exportation and drawback, any colored, printed, stained, dyed, stamped, or painted silk or nankeen cloths, knowing the same not to be entitled to drawback, according to the provisions of this act, or shall wilfully misrepresent or conceal the contents or quality of any package as aforesaid, the said goods, so presented or entered for drawback, shall be forfeited, and may be seized by the collector, and proceeded with, and the forfeiture distributed, as in other cases."

Mr. Webster stated the existence of several other establishments, of a similar nature to that in New York, to which the amendment will apply.

Mr. Wickliffe objected to the amendment, as being an extension of the drawback system. He thought such an extension dangerous, as opening a door to frauds and corruption in the collection of duties, &c.

Mr. Sharpe replied to Mr. Wickliffe, and showed that the danger of fraud, in this case, was very small, as no American silk was manufactured, &c.

Mr. Marvin moved to amend the amendment in the second line, by striking out the words "nankeen cloths," to which he objected, because it extended protection to a foreign fabric of cotton, while we had cotton factories at home to manufacture it.

Mr. Webster replied. This kind of goods came into the country now, and all the question was, whether their value should be increased by the industry of our citizens previous to its re-exportation. He did not know, however, that the article of nankeens was made in this country.

Mr. McLane, of Delaware, advocated the amendment of Mr. Webster, generally, on the principles of the drawback system, which he wished to see extended as far as possible. He objected to the amendment now proposed by the gentleman from New York, (Mr. Marvin.) This useful factory took nankeens that were stained, and restored them to their original color, and therewith restored their value, and even increased it, &c.

Mr. Mercer agreed with the gentleman last up. Nankeens were already entitled to drawback, and although the drawback system presented to exporters a temptation to fraud, he thought the guards proposed by the amendment were fully sufficient to prevent any successful attempt at it.

Mr. Marvin repeated his objection to protecting, by bounties, a foreign cotton fabric. Nankeens he understood to be an uncolored cotton cloth.

Mr. Webster replied. Nankeens, he said, are now imported blue, as well as plain. The effect of the proposed amendment would be, to bring them all into this country *white*, and to have them dyed here before exportation, &c.

Mr. Tod inquired if any establishments in this country were now engaged in the dying of nankeens?

Mr. Webster replied that he could not say he knew of any now thus engaged, but he understood they were preparing to engage in this branch of business.

Mr. Tod observed that the memorialists did not mention nankeens in their petitions, and the granting a drawback on the re-exportation of that article might lead to the sending to India for cottons, and thus operate against both the manufactures and agriculture of the country.

Mr. Cambreleng, in reply to Mr. Tod and Mr. Marvin, argued that this amendment, in respect to nankeens, would have the effect to take out of our market so much of an article, which, while in the home market, competed with our own cotton fabrics.

Mr. Mercer enforced his former remarks by some further observations.

Mr. Webster stated, that, since he last spoke, just now, he had learned that immense quantities of nankeens were now dyed at the factory near New York.

Mr. Mallary opposed the amendment of Mr. Marvin, and urged arguments to show that the home cotton factories could not be injured by the motion of Mr. Webster, and the branch of dying (in which our manufacturers were chiefly deficient) would receive, by the effect of it, an improvement it was much in want of.

The question was then taken on the amendment of Mr. Marvin, and it was negatived.

Mr. Sandford, of Tennessee, objected to the amendment of Mr. Webster, as being likely to injure the revenue. He thought the practice of coloring, or staining goods, ought not to be thus encouraged, &c.

Mr. Forsyth moved to amend the amendment in the 1st and 2d lines, so as to read, "a drawback of 75 per cent.," instead of "the drawback allowed by law." He stated his object to be to make the drawback on this article to correspond with that laid by the bill on other articles of this description.

Mr. Foot, of Connecticut, made a few explanatory remarks.

Mr. Webster explained the operation of the amendment, and the provisions of the 6th section of the bill, which operated only on tallow; and Mr. Mercer also made a few observations on the subject.

Mr. Forsyth replied; as a new system of duties was about to be adopted, he said, a new system of drawbacks should also be adopted. He thought 25 per cent. not too much, as a remuneration to the United States Government for the troublesome mode of preventing frauds in relation to this drawback.

Mr. Foot moved an amendment, to place European and East India silks upon an equal footing; which he introduced with a few remarks, to express his opinion that the silks from France and Italy should not be put on a different footing from those of India.

Mr. Webster explained. The French and Italian silks were usually dyed. The French, especially, surpassed all nations in dying that article.

Mr. Test objected to the amendment in a few remarks; and then,

The question being taken on the amendment offered by Mr. Foot, it was rejected.

The question recurring on the original motion of Mr. Webster,

Mr. Buchanan expressed his wish for further light on the subject to which the amendment applied. He thought the system of drawback sufficiently tried, to justify the proposed extension of it. At present it extends only to fish, spirits, and fine sugar. He thought the introduction of nankeens of the East, would interfere with our own cotton factories, as this bill placed the Chinese manufactures on the same footing with our own, in the foreign market. The commerce with China, he said, was a ruinous one; and this amendment went to encourage it, and to discourage our trade to France, which was a profitable one.

Mr. Webster replied. This, he said, was only a transit trade; we encourage our merchants to go to China, buy their silks, and carry them to South America. The only part of the China trade which was unprofitable, was that in articles consumed in this country.

Mr. Buchanan rejoined. He objected to the amendment, as complicating the system of drawback. He repeated his argument respecting its effect to encourage foreign manufactures, which, he said, had not been answered. He admitted, that the silks imported, went out again; but, why encourage their introduction from China, in preference to those from France.

Mr. Cobb was greatly indebted to the gentleman from Pennsylvania, last up, for his care of the cotton-growing interests; but, he should thank him much more, if he would consent to let them alone. For his own part, he said, when the friends of the bill talked of extending protection to the cotton growers, he felt much like the Irish recruit who was forced to volunteer. He objected to the amendment as granting an encouragement that was not needed; he had no idea of taking money out of the Treasury to put it in the pocket of those who were already doing so good a business, &c.

Mr. Fuller replied to Mr. Buchanan. The coloring of stained nankeens put them into a form to be exported, instead of being consumed at home, to the prejudice of the domestic manufacture. He agreed in the opinion, that no discrimination ought to be made between French and China silks. He argued, however, that the home consumption would not be affected, nor the cotton manufacturer be injured by the proposed amendment. He made some observations on the French trade, to show that it was not so profitable as the gentleman from Pennsylvania seemed to suppose.

Mr. Sharpe replied to the gentleman from Georgia, (Mr. Cobb.) All that was asked by the silk dyers, he said, was, that, after they had expended their labor on the article, stained and defaced in transportation, they should be allowed the same drawback upon it, as, under the present law, would be allowed on it, if brought in a perfect state, and exported without any labor at all. Let us try the extension of this drawback system on a moderate scale, and it may be hereafter abolished or extended, as might be advisable.

Mr. Mallary replied to Mr. Cobb, and advocated the amendment on principles of equality. It was no more than just, he said, that the benefit of this branch of labor should be enjoyed by the dyers, as well as the agricultural labor by the cotton grower. He replied to Mr. Buchanan, and advocated the propriety of making an experiment, in gradually extending the drawback system, so as to aid in the protection of manufactures.

Mr. Poinsett advocated the amendment. Its operation would be to enable our merchants to carry the goods of China to the South American market, and otherwise, the merchants of Britain and France would have the whole trade to themselves. It would not injure our manufactures, while it would encourage our commerce.

Mr. Buchanan replied, and stated an illustration from the case of hemp and calico; the dyed nankeen of India, he said, displaced our cottons in the South American markets.

Mr. Poinsett, in reply, stated, from thorough personal acquaintance with South America, that the people of that country were of fixed habits, as much so as the Chinese themselves. They would go on in their old path and none other. They will not take our cottons, but will have nankeens, as they have been accustomed to; and if we do not carry them there the French and English will.

Mr. Sandford repeated and enlarged upon his objections to the amendment, on the grounds of its opening a door to frauds, &c.

Mr. Webster made a few more observations; and

The question being taken, the amendment of Mr. Webster was agreed to, without a division.

Mr. Tod moved to amend the bill in the 238th line by striking out "three," and, in the 241st line, striking out "two;" and inserting in both places "five;" so as to make the clauses read:

"On all wares of cut glass, not specified, five cents per pound, and, in addition thereto, an ad valorem duty of thirty per centum;

"On all other articles of glass, five cents per pound, and, in addition thereto, an ad valorem duty of twenty per centum."

Mr. Tod explained the reason of this amendment to be, the striking out the third section of the bill, which met the British bounty by a proportional increase of duty.

Mr. Foot, of Connecticut, asked why an ad valorem duty was added to a specific duty on glass.

Mr. Tod explained.—The necessity arose from the modes pursued by the English exporters of glass to introduce their article into this country, without paying the duties, &c.

Mr. Forsyth stated that no bounty is granted by the British Government on glass, and therefore the argument from the third section does not apply. Much of our glass comes from France; and to this the third section would not apply, even if it still remained in the bill. Mr. F. made some remarks, incidentally, on the slight notice which was taken of any motion or any fact proceeding from those members of the House who are not manufacturers, or are not avowed friends of the bill.

Mr. Tod replied.—The glass imported from France was to a small amount, (not more in the last year than $10,000.)

Mr. Mercer expressed his astonishment, that, after all that had passed on the bill, the honorable Chairman should persevere in saying that there existed a bounty on glass in England. Mr. M. said he had before denied the existence of such a bounty; and he now rose to verify the statement. Here Mr. M. quoted the excise paid on several materials used in certain kinds of glass; and all that was done by Government is to allow a drawback on this excise when the glass is exported.

Mr. P. P. Barbour objected to adding a duty on all glass imported, in order to countervail drawback or bounty on British glass. If the addition was sufficient to meet the latter, it must be enormous on the poorer kinds brought from elsewhere. But there was no positive bounty, but only a drawback in Britain, on manufactures of glass. He insisted on the wide difference between bounty and drawback, &c.

Mr. Tod replied to Mr. Mercer, who always, he said, came prepared with authorities, chapter and verse, to refer to; and who often gave valuable information on subjects in question, and on subjects not in question. Mr. T., nevertheless, insisted there was a bounty on English glass; it might be called by what name the gentleman thought fit; it was as much a bounty as that on cotton bagging, which the gentlemen all argued to be a bounty, and on that very ground the third section of the bill was stricken out. The amount granted on bagging is in the English books called a drawback, as that on glass is; and Mr. T. produced an invoice in which bounty is charged.

Mr. MERCER rejoined—and reiterated his argument to show that the encouragement in England was a drawback, and not a bounty; and therefore the policy which might apply to a system of bounties for encouragement had no application to the present case, &c.

Mr. CAMBRELENG stated the facts of the English allowance, and insisted that, whether it is called bounty or drawback, it equally operated on the price of the article as bought by us. He thought the duty rather high, but should only oppose it as applied to plain glass.

Mr. FORSYTH referred to the Commercial Digest, to prove that the allowance is drawback, and not bounty. He remarked, in reply to Mr. TOD, on the third section of the bill, and on the capacity in this country to compete with other countries in the manufacturing of glass. The glass imported into the United States, from other countries, from Germany alone, was more than that from England, Ireland, and Scotland put together.

Mr. TOD asked, in reply, why the gentlemen had urged the striking out of the third section? they certainly then considered the allowance of drawback as bounty. He still insisted that it was so, and he referred to the invoice he had before produced, and called for the reading of a petition of certain glass manufacturers, &c.

A good deal of smart repartee passed between Mr. TOD and Mr. MERCER, in relation to their stock of authorities, &c.

Mr. CULPEPER moved that the Committee rise. The motion was negatived—ayes 82, noes 92.

The debate was now renewed, and Messrs. FOOT, of Connecticut, CAMBLELENG, and TOD, made some observations; when

Mr. CAMBRELENG called for a division of the question so as to take it first on the first part of the amendment now proposed.

The question being taken, accordingly, on the first clause of the amendment, as it is above stated, the vote was:—For the amendment 86, against it 87.

So the amendment was rejected—and then the Committee rose.

FRIDAY, March 26.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to which were referred bills of the Senate of the following titles, viz: "An act confirming the claims of the heirs of Nicholas Baudin and the heirs of Joseph Chastang, to certain tracts of land;" "An act confirming the claim of Peter H. Hobart and Lewis Judson to a certain tract of land;" and "An act releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land," reported, as the opinion of the committee, that the said bills ought not to pass.

The said bills were committed to a Committee of the Whole.

Mr. LITTLE, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Walter S. Chandler and Samuel Ward," made a report thereon, adverse to the passage of the said bill, and it was committed to a Committee of the Whole.

On motion of Mr. COOK, the Committee on Roads and Canals were instructed to inquire into the expediency of vesting in the State of Illinois, for the purpose of defraying the expense of opening a canal between the waters of the Illinois river and Lake Michigan, the land that has been reserved from sale by Congress, bordering on the proposed canal.

On motion of Mr. METCALFE, the Committee on Indian Affairs were instructed to complete the inquiry which was commenced at the last session, (and reported upon in part,) into the execution of an act, entitled "An act to abolish the Indian trading establishments;" and, also, to inquire what was the general average per centum over and above the prime cost and carriage, for which the articles of merchandise were sold by the factory agents, before the passage of the law aforesaid; the amount of money which ought to have been returned to the Government upon the abolition of the establishment; the amount which has actually been paid into the Treasury, together with that which has been secured to be so paid under the provisions of the law for abolishing the said establishment; and if, by contrasting the said sums, a balance shall be found to be due to the Government, what mode can be devised to recover the same from the person or persons withholding it.

The bill from the Senate, entitled "An act for the relief of Captain Thomas Staniford," was referred to the Committee of Claims.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making appropriations for the support of Government for the year 1824," with amendments; in which they ask the concurrence of this House.

The amendments were read, and committed to a Committee of the whole House to-morrow.

Mr. COBB moved to discharge the Committee of Ways and Means from the consideration of the President's Message in relation to the claims of D. D. Tompkins, and that it be referred to a select committee. He prefaced his motion with a few remarks, to show that the standing committee had not time for a proper investigation of the subject. The motion was supported by Mr. McLANE, chairman of the Committee of Ways and Means, but, on suggestion of Mr. WEBSTER, it was withdrawn for the present.

JOHN B. HOGAN.

Mr. HAMILTON, from the Military Committee, to whom was recommitted the bill from the Senate to repeal the "act for the relief of John B. Hogan," reported an amendment thereto.

At the request of Mr. COBB, Mr. HAMILTON explained the circumstances in relation to the case of Mr. Hogan.

Mr. McCOY further remarked on the facts of the case, and a conversation ensued upon it between Messrs. **Hamilton**, **Sharpe**, **Cobb**, **Owen**, and **Culpeper**.

[Mr. Hogan, it appears, was a paymaster in the Seminole war, who paid about $20,000 to a corps of gunmen, whom he considered as volunteers, but who, by the construction of the law by the War Department, were declared not to be such. The amendment now reported to the bill, goes to allow him credit for this amount. It was objected to, as sanctioning a dangerous principle, and setting a precedent which, if followed up, would cover *all* disbursements made *bona fide* but *without law.*]

Mr. **Culpeper** moved to lay the amendment on the table. Not carried.

The amendment was finally agreed to, and the bill, as amended, was ordered to be engrossed for a third reading to-morrow.

THE TARIFF BILL.

The House then went into Committee of the Whole on the state of the Union, on the bill to amend the several acts laying duties on imports, Mr. **Condict** in the Chair.

The question being on the motion of Mr. **Tod**, to raise the duty on "all articles of glass not specified," from two cents to five cents per pound—

Mr. **Cambreleng** made some observations in opposition to this amendment, as laying an enormous duty on plain glass. The question being taken, it was not agreed to.

Mr. **Ellis**, of Pennsylvania, moved to amend the bill, by inserting in it the following clause: "On square iron-wire, used in the manufacture of umbrellas, a duty of twelve and a half per cent. ad valorem."

Mr. E. stated the circumstances of this branch of manufacture, which at present is not made in the United States. The making of umbrellas had greatly increased in the United States, and they were exported to a large amount. Those engaged in it were desirous of adding this branch to their business; but, under the existing duty of 40 per cent. ad valorem, it was impossible.

Mr. **Sharpe**, of New York, supported the amendment, and confirmed Mr. **Ellis**'s statement of facts on the subject.

Mr. **Cassedy**, of New Jersey, stated that he had presented a petition on this subject, which he desired to be read.

Mr. **Miller**, of Pennsylvania, moved to amend the amendment, by striking out the word "iron," as many articles of this description were made of copper wire.

Mr. **Ellis** accepted this modification of his motion.

Mr. **Floyd** stated some facts in relation to a former petition of the umbrella manufacturers, and its effects.

The question was then taken, and the amendment was carried—ayes 75, noes 42.

Mr. **Isacks**, of Tennessee, moved to strike out the proviso, from the 33d to the 42d line, inclusive which is in the following words:

"*Provided*, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum if imported from the Cape of Good Hope, or any place beyond it, and of ten per centum if imported from any other place, shall be less than thirty-five cents per square yard, shall, with such addition, be taken and deemed to have cost thirty-five cents per square yard, and shall be charged with duty accordingly."

Mr. **Isacks** stated that his object was to take away from the bill the proposed minimum on cotton goods. Mr. I. quoted statements, in figures, to show the amount of duties in 1823, paid on different species of cotton goods, &c.. to show the reasonableness of his proposition, &c. He did not conceive this further encouragement on the cotton manufacture necessary; moreover, because, if he was correctly informed, the manufacturers neither wished nor needed it, that portion of the capital and industry of the country employed in it, being more productive than almost any other.

Mr. **P. P. Barbour** then rose, and said that, having determined, at some period of the discussion, to present his views of the general principles involved in the bill under consideration, and believing that the present motion afforded an opportunity to do so, he would, with the indulgence of the Committee avail himself of it.

No subject, said Mr. B., of a more important character than this, has occupied the attention of the National Legislature, during its present session. This is the third time that it has been brought upon the tapis, during my short political life; it has not only been debated again and again in this and the other House, but the press has teemed with pamphlets and newspaper publications in relation to it. It is not a question, as was said on another occasion during this session, of political metaphysics, but of severe practical taxation; one which comes home to the sensibility of the pocket nerve. In opposing this bill, I feel that I am defending the cause, not of my own immediate constituents only, but of the whole commonwealth of Virginia, of which they compose a part; not of them only, but of the whole South; not of them only, but of other parts of this Confederacy, against the injurious effects, which, in my opinion, this would produce upon their great and essential interests. I wish, sir, that a cause so great, had an abler advocate; but I shall, to the utmost extent of my ability, endeavor to present the subject in its true light; should I not succeed, whilst I shall have the consolation of knowing that I have done my duty, I shall feel, that my defeat was not ascribable to the weakness of my position, but to the inadequate manner in which it was defended.

The bill has been presented to us in various phases; some gentlemen say, it is a measure to increase the revenue, some tell us it is to encourage agriculture, whilst others sustain it on the ground, that it will afford encouragement to the manufactures of the country. It would indeed be as rare, as it would be valuable, if it could accomplish all these objects; to harmonize these conflicting principles, is just as impossible, as it would be for a person who stood at a medial point betweeen two given objects, to approach the one, without receding from the other; and I fear, sir, that it would turn out to be in legislation, what certain specifics come to be in medicine; published to the world as a cure for almost every disease, they prove to be an effectual remedy for none. Without further remark, I pass directly to the discussion.

I would not vote for this bill, sir, even if it could be placed upon the grounds, which would be confessedly most advantageous for its advocates—that is, even if it were a bill designed to raise revenue, and if such would be its effect. I would not do it, for this obvious reason, that the exigencies of the Treasury do not call for an increase of revenue.

In proof of this, I beg leave to present to the Committee, a brief view of our financial situation, as exhibited in official documents, giving an exposition in detail. The present condition of the Treasury is such, as to enable us, by anticipation, to purchase our 7 per cent. stock during the current year, which would not become due till the next. The 3 per cent. stock, amounting to $13,296,099 06, no gentleman would think of paying at par, and consequently it would only be purchased upon such terms as might be agreed upon, between the Government and stockholders. The $7,000,000 due to the Bank of the United States, may be considered in effect as paid, inasmuch as we own stock to an equal amount, in the bank, the dividends on which are equivalent to the interest which we pay; besides, our debt to the bank is at an interest of only 5 per cent., and therefore falls within the influence of the reasoning applicable to the remaining part of our debt bearing that interest. The residue of the public debt consists of 6 per cent. stock, and 5 per cent. stock; and we have satisfactory reason to believe that a considerable part of the six per cent. stock, can be commuted into a five per cent. Let me add, that gentlemen mistake, when they say that a large share of this debt will successively fall due in the years 1826, 1827, and 1828. Although, in those years, large sums are redeemable, that is, we may pay them, if we choose, yet we are under no obligation to pay them; and it is estimated that, with the exception of the Bank debt, and the three per cent. stock, the existing revenue of the Government will be competent to redeem our whole public debt in the year 1835, a period of eleven years from the present. Now, sir, although I am one of the last men in the world who would subscribe to the doctrine that a public debt is a public blessing, but on the contrary, consider it an evil, and am desirous of paying it, yet, in doing so, I would exercise discretion, I would practise moderation. As a guardian of public interest, I would act, in relation to their debts, as I would in relation to my own; I would not suffer a solicitude to pay a debt not coercible, to induce me to sell property at a sacrifice, or to borrow money at a higher rate of interest, than that of the debt to be paid with it. Let us for a moment apply these plain principles to our situation: there is no part of the debt bearing a higher interest than six per cent.; and there is no part of the United States, it is believed, where the legal rate of interest is less; but as far as the six per cent. stock could be commuted for a five per cent. stock, and to the whole amount of the five per cent. if we were to draw additional revenue from the people to pay it, it would create an increased pressure upon them, at a time certainly not favorable for the purpose of paying with money worth six per cent., a debt on which we should only pay an interest of five per cent. This would be actually a loss, and even as to six per cent. stock, no gain. I would in this regard, then, adopt the maxim of the celebrated English Minister Burleigh: That it is not desirable to see the Treasury swollen like a disordered spleen, whilst the nation was in a consumption. I would act upon the principle of his mistress, Queen Elizabeth, that at present, beyond the existing revenue, the money is better in the pockets of our people, than in our exchequer, or, I will add, in the pockets of our public creditors.

As far, sir, as this bill is designed to give encouragement to manufactures, or even, if you please, to national industry in general, I would vote against it, for another strong, and, in my estimation, decisive reason. And here, Mr. Chairman, though I am about to derive an argument from the Constitution, I trust that I shall not press upon the confines of political metaphysics. The Constitution gives to Congress the power to lay and collect taxes, duties, imposts, and excises. This bill proposes to lay and collect duties, and, therefore, I shall not undertake to say that it is a violation of the letter of the Constitution. But this I do mean to contend, and I think I shall be able to prove, with as nigh an approximation to demonstation as moral evidence is capable of, that this bill does violate the spirit of the Constitution. The power to impose taxes, duties, &c., it will not be denied by any gentleman, was given to us for the purpose of raising revenue, which revenue is to be applied to the ends pointed out in the Constitution. Now, sir, as far as, by this bill, it is proposed to encourage manufactures, or any other department of industry, we shall be using this power, not only not for the purpose for which it was given, but for another and a different one, and, as I shall attempt to prove, one which will defeat that for which the power was given; and then this question presents itself, whether we do not, in effect, transcend the limits of our legitimate authority as much by the exercise of a granted power for a purpose for which it was not granted, as by the exercise of a power not granted? I answer, that we do. As no general reasoning strikes the mind as forcibly as examples, I will illustrate my proposition by putting some analogous cases. Congress has power to borrow money. Let us suppose that the capitalists of this country were, by petition to this House, to complain that, in consequence of the general languor of the commerce of the world, they could find no longer any mercantile investment of their capital which would yield them any tolerable profit, or, if you please, any profit at all, and, therefore, they called upon us to borrow of them some millions of money, at any given rate of interest. Let us suppose our finances to be in such a situation as not to need it, and yet, to save these capitalists from sinking, we accepted their proposition under our power to borrow money.

Let us suppose that Congress, impressed with a belief that the importation of certain articles of luxury was injurious either to the wealth, the morals, or the simplicity of the manners of our people, with a view to arrest the importation of such articles, imposed very high duties, not at all with a view to revenue, but for the avowed purpose of prohibition, and high enough to produce that effect; and that this was done under the power to lay duties and excises, by which, in effect, we should pass sumptuary laws.

Congress has power to provide and maintain a navy. Let us suppose that, upon the termination of the European war, by the peace of 1814, our navigating interest had represented that, during that war, we, by the circumstance of our neutral character, had, for a series of years, the carrying trade for the belligerents; that we had thereby profited at the rate of $15,000,000 per annum, at which, I believe, the carrying trade is estimated in Seybert's Statistics; that, by means of the peace, thousands in our mercantile marine were thrown out of employment; and let us suppose that, though the extent of our Navy did not require it, we yet employed many of these persons with a view to give them employment, under our power to provide and maintain a navy. I could go on sir, multiplying examples of this kind, with much more ease than they could be answered. These are sufficient for my purpose. In each of the cases which I have here put, it might be affirmed, with just as much propriety as in the present, that we were exercising powers which were clearly given; yet, every man would admit that we were abusing those powers. And why, sir? For the simple reason that we were using them for purposes for which they were not granted; and let me ask, sir, whether the same objection does not apply here? If, as must be admitted, the power to lay duties were given solely to raise revenue, surely when we apply that power not for that purpose, but for another, and that, too, which defeats the legitimate one, we are exercising that power for a purpose for which it was not granted. Sir, I have no apprehension of these things at present, whilst our virtue, intelligence, and patriotism continue; but, as any one man cannot hope to escape that mortality which is the lot of his species, so neither can any Government expect wholly to avoid those evil times which history teaches us have befallen all the Governments of the earth. When we shall fall upon such times, what now is precedent, will then become principle; and, "by the same example, many an error will rush into the State." They can look back, and find, in the best periods of the Republic, precedents for applying a power for a different purpose from that for which it was given, and thus the whole Constitution may be made to swing from its moorings.

Mr. Chairman, I would not vote for this bill for another reason, which I regret to be under the necessity of mentioning. I regret it, because it has reference to the difference in the local interests of this mighty Confederacy, and I would be one of the last men in the world who would excite any thing like jealousy, or even sensibility, amongst its constituent parts; but I should feel that I should be wanting in my duty to my constituents, if I did not present this view to the Committee. It has been seen that one object of this bill, and no one will deny but that it is a leading object, is to foster domestic manufactures. This encouragement, sir, from the force of circumstances, and the nature of things, must operate in favor of some parts of the Union, to the exclusion of others. Cast your eye over the map of the United States; look at its geographical situation, and estimate duly the considerations which I am now about to submit. In some portions of this country, there is a large accumulation of capital, the fruit of foreign commerce. In others, there is a great comparative deficiency of capital. In some parts, there is for this Western world a dense population; in others, it is sparse. Thus, take Connecticut and Virginia as the subjects of comparison. By the census of 1810, Connecticut had about 56 to the square mile; Virginia about 14. In some parts, there is free labor; in others, there is only slave labor. Now, sir, let me ask, what hope is there, in the career of competition, between two sections of country, in one of which there is a combination of the three great advantages of large capital, dense population, and free labor; and in the other of which there is a combination of the three great disadvantages of a deficient capital, sparse population, and slave labor? The question needs only to be stated to be answered. It would indeed be the race between the tortoise and the hare; the last must stop, or never be overtaken. Now, sir, it certainly was the intention, in forming this Government, that the different States should, as far as circumstances would permit, participate equally in its burdens and benefits. And hence, the provision, that direct taxes should be apportioned to numbers; that other taxes should be uniform; that no regulation of commerce should give a preference to the ports of one State over those of another, &c. But, sir, the balance is equally disturbed, whether a weight is taken out of one scale, or put into another. If, in the exercise of a power for the purpose for which it was given, one State suffers less burden, or receives more benefit, than others, we must submit to the consequence; but, when a power is to be exercised for a purpose for which it was not given, and this consequence is to follow, then we have just cause of complaint.

I come now, sir, to consider this bill in the different lights in which it has been presented by its advocates, and to examine the several grounds on which they have rested its defence.

In the first place, it is said that the bill will increase the revenue. I think I shall be able to show, that it will have a directly contrary effect; that diminution of revenue, not increase, will be a necessary consequence of its passage. It is conceded, on all hands, that the inevitable effect, in the first instance, will be to increase the price of the goods imported; this can be denied by no man. This being the case, the amount of the produce exported from the country, whatever it may be, will furnish fewer commodities than it did before, unless gentlemen are prepared to maintain the proposition that the same sum of money will purchase as much, at a higher price, as it would do at a lower one. The quantity of goods imported then, must be diminished; the only possible ground on which it can be contended that the revenue will not be diminished, is, that the increase of duty on the goods which will be imported, will be equal to the loss of the former duty upon such goods as shall cease to be imported. It is impossible to say, what will be the precise extent of the diminution of importation; but we may resort to some data which will constitute the basis of a reasonable calculation. It may be, that articles of mere luxury, which are consumed only by the wealthy, may, at the advanced price, yet be imported, as before; articles of downright necessity will be so imported; but there is a large description of articles which, though they may be convenient, and may contribute to increase the stock of comfort, may be dispensed with. This latter kind of article is used by that great class of our people, constituting a decided majority of the nation, who are either poor, or in the various gradations of property, from poverty towards wealth, but falling entirely short of that point. Now, sir, it is in this kind of imported goods, and in this part of our population, that I think it fair to infer, that a very great diminution will take place, and considerably more than will countervail any advantage to be expected from the increased duty upon goods which will continue to be imported. Thus, sir, the goods imported in the year 1822, paying an ad valorem duty of 25 per cent. amounted to $21,701,040; more than one-fourth part of the whole imports of the year. It is known, that all the goods paying this rate of ad valorem duty, are those of which wool and cotton are the materials. How large a portion of the coarse kind of these goods is used by our poorer people, and by the wealthier for their slaves? And yet, these articles can, and most of them probably will, be manufactured in household establishments, rather than pay the high duties imposed by this bill; especially such as plains or negro cloths, which, from the statement appended to the New York memorial, would, upon the minimum in the tariff, and at the rate of duty after June, 1825, pay from 104 to 130 per cent. But, if I should even mistake in this, it is clear, beyond all question, that the progressive and ultimate effect would be a diminution of revenue. The very object which gentlemen have in view, is, by high duties, to exclude foreign articles from coming into competition with those of a domestic manufacture. If this consequence were not to follow, the whole policy of the bill would fail; the manufacturers would not receive the encouragement intended, and the consumer would, unnecessarily, as well as unjustly, be encumbered with higher prices. But, supposing the operation of the bill to be, what it certainly will be, that, in consequence of the protection afforded, the domestic manufactures will progressively displace the foreign, and be consumed in their place. Then, it is palpable, that in exact proportion as this takes place, foreign goods will cease to be imported, and, consequently, the revenue will be correspondingly diminished; and, finally, whenever the time should arrive, that the consumption of domestic manufactures should entirely take the place of foreign, there would be a total stop to all imports, because there would be an end to importation. But the revenue lost, must be supplied, and I beg leave to inquire how, and by whom? We have been told, that manufacturers themselves, after they shall be firmly established by a system of protecting duties, will be able to supply this deficit. If we were to judge from past experience, this promise holds out but little consolation. In 1816, a duty of 25 per cent. was imposed upon cotton and woollen goods, with a minimum upon coarse cottons, under the expectation that, in three years, these manufactures would reach such maturity that they could sustain themselves, with the aid of a smaller duty. And, accordingly, the act of 1816 declared, that, after June, 1819, it should be reduced to 20 per cent.; but, after continuing the 25 per cent. by a subsequent act, now in the eighth year, so far from being able to do with a lesser duty, we are called upon to increase the duty and create a minimum in relation to wool. Thus, as they grow in years, they seem to decrease in strength; and so far from affording revenue, they cannot exist under a diminution of duty. So far from this, they call aloud for an increase of duty, as necessary to their very existence. No, Mr. Chairman, the deficit must be supplied by a direct tax. The reasoning which could convince Congress that it was right to impose high duties on foreign goods, to aid our manufactures, would be strong enough to prove, that they ought not to be depressed, as their advocates would say, by an excise. And thus the community would be doubly taxed: first, by the high prices which they must pay for domestic manufactures, in consequence of the foreign being excluded by our duties; and, secondly, by the tax which must be paid to supply the deficiency in the revenue, produced by the same exclusion of foreign goods. Whereas, had foreign goods been not excluded, they would have purchased them at a cheaper price than the domestic, and have saved that difference in price. And even of the price that they would have paid for them, a part would, in the shape of impost duty, have gone into the Treasury, and thus there would be no deficiency to supply, by them, in the shape of direct taxation. But, to give the gentlemen all they ask for, let us suppose that an excise could be imposed upon domestic manufactures, what, let me ask, have we gained? Surely I need not attempt to prove to the Committee, that the great body of the community who are consumers, would, as such, ultimately pay this tax too. And thus, after losing all the difference between the high price at which we have to buy the domestic articles, and the low price at which we could have bought the foreign, in supplying the deficit in revenue, occasioned by the exclusion of the foreign, we have the high privilege of being taxed with excise, instead of imposts. The loss to us, in this arrangement, I can easily perceive, but the gain I cannot, unless it be the gain of a more disagreeable, instead of a more agreeable mode of taxation.

Mr. Chairman, are the people of this country prepared, in time of peace, for a direct tax, and for an excise, or for either?

Sir, we know, from actual experience, that they are both more expensive in collection, and that the direct tax being by numbers amongst the States, is unequal in its operation; we know that they are more inconvenient, and that the direct tax subjects us to the intrusive visit of the tax-gatherer, whilst the impost is included in the articles which we purchase, and that its payment is an act of volition. In relation to excise, though England raised, according to Mr. Lowe, 27,000,000 sterling, equal to $120,000,000, by excise, in 1823, though there are now twenty-five different articles subject to excise in that oppressed kingdom, yet, sir, we know that an attempt to impose an excise on tobacco, in the reign of George II., was considered by some of her best patriots as dangerous to the constitution; that its defeat was celebrated with rejoicings; that Walpole, the Minister who proposed it, was burned in effigy; and that he abandoned it, because he thought it could not be carried into execution without an armed force. True it is, sir, that the people of England are now obliged to bear it in multiplied forms; I thank God that it is not our condition, and I hope never will be. But gentlemen say that this bill will increase the wealth of the nation; I readily admit that it will increase the profits, and, consequently, the wealth of the capitalists, whose capital is invested in manufactures; I admit, also, that these establishments may afford some advantage, to a few hundreds, perhaps thousands of persons, who reside contiguously to them; but I utterly deny that it will increase the aggregate wealth of the nation. And here, Mr. Chairman, though I fear it may be somewhat unpalatable, I must beg leave to introduce some principles of political economy.

The sum of my doctrines, on this subject, is this: that the wealth of a nation is an aggregate of the wealth of the individuals who compose it; this is as plain a principle as that the whole is made up of its parts. That there is an instinct implanted in man, the master-spring of his actions, which, through life, impels him to a perpetual endeavor to better his condition; that this principle, acting alike upon all, without concert, and without even looking to the public interest, every man in society is constantly endeavoring to increase his portion of wealth, and, consequently, every man is laboring to add to the stock of public wealth—an increase of a whole being the inevitable result of an increase of all its parts. From these principles, this corollary is deduced; that Government should never interfere but in matters of State; that, in relation to the internal police of a country, it has done all that is required of it, all that it ought to do, when it has secured to its citizens their personal liberty and private property, and an impartial administration of justice; that, as to the appropriation of his skill, capital, and labor, he ought to be left as free as the air which he breathes, subject to no other limitation, than one which may be expressed in one maxim of the civil law: "So use thy own as not to injure another's." Now, sir, no gentleman will contend that the instinct which I have mentioned, does not prompt every man to desire to improve his condition; upon this point I have the law of nature on my side. Before, then, it can be justified to invoke the aid of Government upon this subject, it is incumbent on those who would do so, to prove that Government knows better how to direct this desire, which all acknowledge to be universal, than the individual citizens themselves. This they cannot do; but, on the contrary, I think it can be clearly shown, not only that Government does not know better, but that it does not know so well; nay, that, in the nature of things, it is, and must be, wholly incompetent to the task. As gentlemen will probably reject the authority of books, I will resort to other proof—to the experience of all who hear me, and, particularly, to our practical experience during this very discussion. Not having the property of the fabled ring of Midas, which converted every thing which it touched into gold, we cannot, by a legislative fiat, create the capital; the only possible remaining method, then, by which it can be contended that the interference of Government can add to the public wealth, is, by increasing the productiveness of capital, by directing it to a more profitable application. Now, sir, I would ask, can any member of this Committee, can the whole Committee united, give me an answer to the following questions? What is the average rate of profit of the great departments of industry, agriculture, manufactures, commerce, and navigation? What is the particular rate of profit in each? What is the particular rate of profit in the different kinds of manufacture, such as iron, wool, cotton, &c? What is the cause of the difference in the profit of different manufacturing establishments engaged in manufacturing the same materials? Does that difference arise from the difference in capital, or in machinery, or in industry, or in skill, or in economy? What is the rate of profit in England in the different kinds of manufactures, which come into competition with ours of the same kind? Is it greater or less than ours; and how much greater or less? What is the precise amount of the advantage or disadvantage produced by the comparative manufacturing facilities in England and the United States? Is it not manifest, that, before we are prepared to settle the various questions arising out of a tariff designed to encourage domestic industry, that we must be able to answer all these questions, and many more of a similar character? And, yet, sir, it must be apparent that these things are not within the scope of human possibility. Now to exemplify: the manufacturers ask for protection; a given sum is proposed as a duty; the commercial interest, as well as the agricultural, allege that the profit of the manufacturer is already larger than theirs. Who amongst us can tell what is the profit of either? and, if we cannot, how do we know whether protection is needed? and, if it be, how much? Again, the wool-grower asks a protecting duty to his wool; the manufacturer exclaims that the rate proposed will prostrate his manufacture. What data have we upon which to decide between them.

I could furnish a practical exemplification of our incompetency to this task, drawn from the impossibility of answering each of the questions which I have put. These will illustrate the truth for which I am contending, namely, that the proposed system, as it is without our sphere of action, so it is beyond our means of information. But whilst we are thus without the necessary information, as to all these complicated subjects, each individual in his own immediate and separate pursuit, has, or may have, all the information required, in relation to his business. To individuals, then, let us leave it, with the assurance, that, as they have the desire to give their capital and labor the most profitable direction, so they can much more surely find out that application than we can. If Government interfere, it must be either by turning to manufactures capital not now so invested, or by aiding that which is now so employed. If the reasoning which I have just presented be correct, then as to the new capital, the interference is injurious, because the individual would have so appropriated it, if such appropriation had been the most beneficial. As to the capital already invested in manufactures, if it already produced to its owner an average profit, then nothing could be more unjust than to increase that profit at the expense of the community. If it did not produce the average profit, then it is clear that the same capital would contribute more to the stock of public wealth, if it were applied in some other way. The interference of Government must, then, either be unjust or injurious. But it is said that the community will be compensated by any temporary loss arising from the aid to manufactures, by the ultimate reduction in price, produced by the domestic competition. And, in proof of this, we are triumphantly told of the reduction in the price of coarse cottons. In the first place I would remark that, however the price may be reduced, this very bill proposes to increase the minimum upon coarse cottons; which would seem to show that they yet wanted more protection. But let me ask, if the coarse cottons have fallen in the United States, have they not also fallen in England, and to a price lower than with us? The best proof which gentlemen could give us, would be, to repeal the minimum; a proposition which, I dare say, we shall not hear from them. I do not mean to contend, sir, that domestic competition will not ultimately reduce the price—but our misfortune is this, that the high profits at first resulting from increased duties, allure many persons to embark in the competition with insufficient or small capital, or carry too much capital into that pursuit, and when the reduction in price commences, before it has reached its minimum, and such an one as the foreign article might be bought for, the small capitalists are overpowered in the competition, by the large ones, and they again cry out to us, Help us, or we sink. This is not fancy, sir, but fact. The Waltham factory asks for no aid; the memorial from Delaware does. It asks for protection to the woollen manufactures, that a part of the redundant capital invested in those of cotton, may flow over into those of wool. Thus, sir, we go on, in a continued circle. Large profits, it seems, allure too much capital to a given pursuit. As soon as by competition those profits begin to decline, and we hope to realize the promise of a minimum price, and thus receive the equivalent for our loss in the intermidiate high prices, we are called on to save those who are likely to be crushed in the struggle; that is, we must sustain all our manufacturers against a foreign competition; and we must sustain the smaller capitalist against the domestic competitions.

But, it is said that this system will increase domestic industry. If I have succeeded in showing that it will not increase the public wealth or capital of the nation, then, sir, it is utterly impossible that it can increase the national industry; it is the capital which calls that industry into action, which furnishes its inducement and its reward; and, to say that labor will be increased, whilst the capital of the country is not only not increased, but, as I think I have shown, is diminished, would be as great a solecism in political economy, as to say that population could be increased, whilst the food of the country was diminished; as the food supports population, so capital supports labor. It will certainly divert a portion of labor from one pursuit to another; it will certainly increase the profits of the manufacturing capitalist; but it does not increase the whole stock of the wealth of the nation; it gives only to all the laborers the usual rate of wages, about equal to their maintenance; and that maintenance they might have acquired in some other labor, either for themselves or for others.

It is argued that it will furnish a better and a more steady market to the agriculturists. Let us examine this pretension. The agricultural produce consists either of food, or of the materials of manufacture; so far as it consists of food, there is no increase of consumers; for, as it has been well said in one of the memorials sent to this House, we now feed them all, and we can do no more. The argument, however, proceeds upon the assumption, that a portion of labor now engaged in agriculture, will be transferred to manufactures; and thus, the quantity of agricultural produce being diminished, there will be a better price for the remainder. This is indeed a consoling promise! With countless millions of fertile land yet uncleared, a part of that now in cultivation is to be deserted; then it must remain in a state of waste and desolation, for, whence is to be derived the labor to cultivate it, in lieu of that which has gone to manufactures? Can that system be a sound one, which proposes, not only to arrest our progress in clearing new lands, but even to diminish the area of our present cultivation?

But, after all, what is to be the number of our new consumers? We have no data, on which to estimate, with any thing like accuracy, the number of persons engaged in manufactures. I speak now of regular manufacturing establishments of articles for sale. The Committee of Commerce and Manufactures, in 1815, reported, that there were then 100,000 persons engaged in the cotton manufacture; probably the whole number employed in the different manufactures, might now be estimated at 200,000; but these ought not to be included in our calculation, as they now consume our food, without the aid of this bill. Let us suppose that the encouragement afforded by this bill, should, in some two or three years, transfer 100,000 persons from agriculture to manufactures. Here we have this number of new consumers to feed. What perceptible advantage, let me ask, will this small number afford to the agriculturist? Particularly, when the same cause that creates this new demand for food increases the price of every article which the agriculturist consumes? Let me illustrate by an example. I will suppose that a bbl. of flour, which before brought five dollars, shall then command six; but the yard of cloth, which before brought five dollars, now costs six, and thus the account is balanced, even upon the favorable supposition, for the advocates of the bill, that this enhancement of price, in agricultural produce, will take place. But we have a much better prospect of new consumers, from our increase of population. Supposing it to have been, in 1820, 10,000,000—as it has been ascertained that we double in a period of about twenty-three years—it will be found that there must be an annual increase of upwards of 400,000 persons. But it is estimated that, in the healthiest countries, one in fifty will annually die. This, upon a capital of 10,000,000, will, annually, be 200,000. To make, then, an actual addition of 400,000, there must, of the children annually born, at least 600,000 survive. Counting, then, from 1820 to 1830, a period of ten years, there would be 6,000,000 of persons, as consumers, not one of whom would be producers, none having yet passed ten years of age. It is true that a number of those born in the preceding period, say from 1810, would be annually coming into the class of laborers, by reaching the age for labor; but, then, it must be remembered that they were the progeny of the capital of population in 1810, which, for round numbers, I will call 7,000,000. And, besides those who are successively, by age, passing beyond the period of labor, one-half of the whole number are to be presumed to be females, who, for the most part, are engaged in household occupations, and not contributing to field labor. Taking, then, into estimate that the stock of those annually coming into the laboring class, was, originally, from a capital of 7,000,000, whilst the number of new consumers was from a capital of 10,000,000; that the new laborers are subject to the deductions which I have mentioned, and the new consumers have to be added to their number, the number necessary to supply the annual deficiency, by death, of 200,000, it will be seen that the number of consumers is constantly increasing in an immense proportion beyond the new producers; and hence, gentlemen may perceive that, where population is not checked, the natural course of things is perpetually furnishing a corrective to the complaint of surplus food without a market. Again, by way of quieting gentlemen's apprehensions upon that subject, let me tell them that the whole of the flour exported, during the last year, would scarcely more than feed the whole population of the British Isles for one fortnight.

As far as the agricultural produce consists of materials of manufacture, as we now have a market for all, it would only be an exchange of the foreign for the domestic market. If, for example, we did not purchase the cotton manufactures of Britain, she would not need the material of which that part formerly purchased by us was made; and so of other articles. The effect of gradually displacing foreign commodities, by the use of domestic, would be in proportion to the extent of that exclusion, to cut off the commerce between this and foreign countries: and, with the commerce, our navigation interest would go down, as the one furnishes the necessary measure of the other. These would be the necessary consequences of the favorite doctrine of gentlemen, that we ought to be independent of foreign nations. Now, all commerce implies reciprocal dependence; that is, it implies that each country, carrying it on, has something that the other wants, and which they mutually receive as equivalents. If this be the kind of dependence objected to, then, the independence sought for, implies that there is to be no commerce. When there shall be no foreign commerce, we shall have scarcely any tonnage engaged in foreign trade, in time of peace there being but little carrying trade, except when a general European war should give us that trade for the belligerents; what, then, would become of our 800,000 tons of shipping now engaged in the foreign commerce of the United States?

But fearful apprehensions are entertained from our imports exceeding our exports. The amount of imports, for 1823, was $77,579,267, and of our exports, $74,699,030. The excess of imports over exports being apparently near $3,000,000. But this is only in appearance; for, both imports and exports are estimated at their value at the place of exportation. Now, as we mainly transported all in our own ships, there is nothing to be added to our imports on account of freight; but the value of freight, upon our exports, is to be added, because, having done nearly seven-eighths ourselves, the articles would be sold for as much more, in the foreign market, than they were worth at home, as the freight amounted to; which would more than cover the apparent deficiency. Again, sir, even if the imports did exceed the exports, it does not at all necessarily follow, that we are carrying on an unprofitable commerce. If the imports are used as articles of consumption, then it would be injurious. But, if they are of a character to increase the productive powers of the country, in a subsequent year, then the trade is beneficial, and the excess only operates as a loan to that amount of foreign capital. A practical exemplification of this truth may be found in the history of the United States previous to the Revolutionary war, when we were constantly in debt to Great Britain, and yet increasing in wealth with unexampled rapidity.

Mr. Chairman, in the discussion of this subject we are always told that, whatever theorists may say, experience proves that great poverty has been the fate of those nations which did not encourage manufactures, and great wealth the lot of those which did; and Spain and England have been uniformly presented as striking examples; the first of poverty, and the second of wealth, which is ascribed to their different policy in this respect. Let us first investigate the causes of the poverty of Spain. Unhappy country! What a contrast it presents to its former self! The time was, when it was the terror of all Europe; when it commanded the resources of Spain proper, the Netherlands, Sicily, Sardinia, Naples, and both the Indies; when, in the great struggle between the rival houses of Bourbon and Austria, the balance of power in Europe was endangered; when Queen Elizabeth, and the whole English nation, trembled at the approach of her invincible Armada. Now, what is her condition? Prostrate, debased, a vassal province to France. Now, indeed, is verified the famous saying of Louis XIV. There are no longer any Pyrenees. And, even in the 19th century, the benighted mind of a part of its population makes them cling to the Inquisition; but his Holiness, the Pope, refuses to comply with their request to re-establish it. Let me assign some of the most prominent causes of this fallen condition. It is owing, in part, to the bigotry of the Government, to the superstition of her people, and to the Catholic religion. Look over the map of Europe, you will find the Catholics much more numerous than the Protestants. And yet how infinite the difference in national industry in favor of the Protestants! What comparison is there between the products of labor of the Flemings, the French, and northern Italians, on the one side; and the Silesians, Saxons, the Prussians, and Englishmen, on the other? In Ireland, we are told, the linen, the only great manufacture, is in the hands of the Protestants. Sir, it is said, the endless holidays in the Catholic religion seriously interfere with labor. The gold and silver of Mexico and South America have been to them a misfortune. While it stimulated the industry of the rest of Europe, it furnished the means to the kings of Spain of carrying on wars of mad ambition, it dazzled the nation with the glare of boundless wealth, and destroyed the elastic spring of industry. Every galleon which crossed the ocean carried with it apparent wealth, but the cause of ultimate poverty. Spain, in her folly, banished from the kingdom the Jews who conducted her commerce; and in the early part of the 17th century a million of Moors, the most industrious of her people in agriculture and manufactures. These exiles carried with them their wealth, their skill, and industry. Examine, sir, the structure of her Government, and her internal regulations. Her king, her nobles, her clergy, under papal bondage; the people without education; the two orders of nobility and clergy, with one third of the land of the kingdom locked up in perpetual inalienability. Some idea of the operation of this latter cause may be formed from the experience of the French revolution. There, too, a third of the land of the kingdom was in the hands of the privileged orders, and inalienable. The French revolution, though it produced some tremendous shocks, has left some valuable monuments to its memory. The national domain was confiscated and sold, and millions of people, in consequence, became the owners of the soil. Who can doubt that but for this, upon the restoration of the Bourbon dynasty, all the former abuses, and the whole ancient regime, would have been restored with them? To return to Spain. The taxes of the kingdom, the most oppressive in their manner of being laid and collected, and almost the whole borne by the people; while the privileged orders were exempt, or nearly so! Take a particular tax upon the sale of commodities repeated at every new sale, insomuch that an article, in its various transfers, has been taxed ten, ay, twelve different times. Consider the monstrous and absurd practice grown into a prescriptive right in favor of the privileged orders, called the Mesta, by which they are at liberty, at will, to have thousands and myriads of sheep driven through the different provinces for the benefit of pasturage; the most defective administration of justice, perhaps, in the civilized world, which we know sooner than any other cause, to destroy all credit in the transactions of men. Its agriculture, sir, is at as low an ebb as its manufactures, and it is ascribable to the same causes. These, sir, are the outlines of the picture of Spain. The effect of all these causes is, in a great degree, to destroy that master-spring of human exertion—the certainty that we shall reap the profits of our labor. No man can feel this certainty, who does not enjoy security of person and property. The Spanish people are under the yoke of a political, a regal, and a papal bondage. Look at England herself, while she wore the chains of feudal vassalage, and you will find that the active spirit of industry which now achieves so much, then almost lay dormant. Agriculture, manufactures, and every kind of industry, moved with a sluggish pace. A new era commenced, and all the natural consequences followed.

And this, sir, brings me to examine the examples which England offers to our contemplation. The first view which I shall present on this subject, has reference to the statistics of the two countries. The population of Great Britain and Ireland, according to Lowe, for 1823, was 21,500,000. But, as the statement, in relation to Ireland, was conjectural, and that of Great Britain official, I will take that as the subject of comparison; Great Britain, then, in 1823, had a population of 14,500,000, and 165 to the square mile; dividing the population by the number to the square mile, we find the number of square miles to be less than 90,000; the population of the United States for round numbers, I will state at 10,000,000. If we take the whole territory of the

United States, including the boundless region beyond the Mississippi, it is estimated by Seybert at 2,000,000 square miles, and the population would be a fraction less than 5 to the square mile. Can it, Mr. Chairman, be correct for us, with a territory so large, and a population so thin, to follow the example of Great Britain, with a territory so small and a population so dense? I had thought that examples were to be followed, when circumstances were alike; but here, so far from likeness, the example offered for our imitation presents nothing but striking contrast. For a moment, sir, allow me to reverse the picture, to take the converse of the proposition; suppose that it was formally proposed in the British Parliament, that Great Britain should, by legislative interference, attempt to turn her capital and labor from manufactures to agriculture, and the argument offered should be, that America had prospered by agriculture, what would be thought of such a proposition? The answer would be, that our population, compared to territory, points to manufactures; so here, I say, that our population, compared to territory, points to agriculture; when a population equal to that of Great Britain shall be found in New York and Pennsylvania, which, together, contain a greater territory, manufactures will spring up in the natural course of things.

Before I proceed to examine the various causes which have contributed to the wealth of Great Britain, I beg leave to correct gentlemen as to the fact of manufactures there being more productive than agriculture. Mr. Lowe, in his work, gives us Colquhoun's estimate of the property created in Great Britain and Ireland in 1812, which, upon the whole, he considers as about a fair estimate for 1823. The aggregate of that estimate is £430,000,000; of this, agriculture, in all its branches, including pasture, is put down at £217,000,000; manufactures, in every branch, at £114,000,000; thus, it appears that, including pasture, agriculture produces more than manufactures, and every means of creating property put together; but excluding pasture, estimated at from £80,000,000 to £100,000,000, and taking the largest sum, still agriculture produces a few millions of pounds sterling more than manufactures in every branch. The same book gives us a table of the proportions of population engaged in different pursuits; from this it appears, taking the year 1821, that the families chiefly engaged in agriculture were 978,656; those in manufactures, trade, and mechanical employment, 1,350,259; the average estimate of a family being five persons to each. Thus it appears, if you take the whole product of agriculture, it exceeds the aggregate of all other products, by some millions, though the persons engaged in it are not so numerous, by more than a million and an half of people; I do not mean to say laborers, because the estimate, being by families, includes all ages and sexes. If you exclude pasturage from the agricultural produce, still it exceeds the whole product of manufactures; the table does not furnish us with the number engaged in manufactures alone, but, if we allow one million eight hundred and fifty seven thousand for trade and the mechanical arts, which seems to be a liberal one, there will remain as many in manufactures as in agriculture. With all the boast, then, of English writers, of the productiveness of manufactures, here are facts stated by themselves, which bear illustrious evidence in favor of agriculture. I come now, sir, to the causes which have enabled Great Britain to take the lead, in the career of European competition for wealth. They are political, religious, and physical. Certain great events in Europe, over which she had no control, turned greatly to her advantage; the revocation of the Edict of Nantes by Louis XIV., produced by his blind intolerance, drove hundreds of thousands of his Protestant subjects out of his kingdom; the tyranny and oppression of Philip II. of Spain, forced multitudes of his subjects in the Netherlands to quit their native land; the exiles from both these countries took refuge in Holland, the north of Germany, and England—but much the largest number in England; they carried thither with them, besides themselves, much active industry, much skill in the most valuable manufactures, and much capital; these seeds were sown in the most favorable soil in Europe to their growth, and they, accordingly, soon sprung up in some luxuriance. Permit me to pause here a moment, and contrast England with Spain in this regard; England gained people, manufacturing skill, and capital, by the folly and wickedness of the rulers of foreign nations; Spain, on the contrary, having all these advantages in her own bosom, lost them by her own folly and wickedness, by the expulsion of the Moors.

Let us now survey the English Constitution and Government. She at an early period established the reformed religion, the advantages of which I have already mentioned: she was the only country in Europe which had a representative body, thereby elevating the people to a share in political liberty. She led the way in the abolition of the feudal system; one of the most rapacious and unprincipled Kings that she ever had even contributed to this, by an act of cunning, or left-handed wisdom, as my Lord Bacon would call it. I allude to Henry VII., who, by opening the way to the alienation of lands, designed to break down his nobles, without seeing the great consequences which were to follow. Upon the abolition of the feudal system, the third estate of the realm began to acquire property; this stimulated industry of every kind; a spring was given to commerce, which, as early as the days of Elizabeth, we are told by Lord Bolingbroke, carried the English over all the known, and even into the till then unknown, parts of the world—to the Dwina, the Volga, across the Caspian sea, into Persia to the coasts of Africa, to the East Indies, first by the track of the Venitians and then by the Cape of Good Hope; though the same author tells us that in the reign of her father Henry VIII., the English were obliged to hire or borrow ships of Hamburg, Lubec, Dantzic, and other places. I come now to the physical causes, which have given new vigor to her flight, new pinions to her wings. The whole kingdom of

Great Britain is an island, and her internal navigation superior to that of any country of equal extent on the globe. Her insular position teems with advantages. Whilst the nations of the continent of Europe, for purposes of safety, were obliged to keep up standing armies, and barriers of fortified towns, which have been happily said to be like armor too heavy to be borne, which wastes the strength of those who bear them, England was protected by a continued maritime frontier, which cost her nothing to defend it but a navy. Thus, by a rare fortune, her position invited and impelled her by an irresistible destiny to the pursuits of commerce; and whilst in quest of commercial gain, formed, by means of her mercantile marine, a perfect nursery of seamen, to man that very navy, which served her in lieu of a fortified barrier, not only with less expense, but with much less danger to the Constitution, than the armies and barriers of the continent. The people of England, then, being emancipated from feudal bondage, participating by their Representatives in the Constitution and Government, secure in their persons and property, having their minds freed from the fetters of popish superstition, a new, and, compared with the rest of Europe, an unexampled degree of elasticity was communicated to the spring of their industry and enterprise. Operated upon by these impelling moral and political causes, and aided by the gift of Nature with all the local and physical advantages which I have described, it is not surprising that they should, as they did, engage in the most extensive foreign commerce, and acquire the largest mercantile marine in the world. They carried their colonies to the four quarters of the globe—to Europe, Asia, Africa, and America—some for defence, some for commercial gain. The productions of many of these colonies, offering new equivalents for the productions of labor at home, created new stimulants; these new products, both of the parent State and colonies, enriched her, not only by themselves, but by the transportation of them respectively. Thus, sir, it was the rich and extensive foreign commerce of England, produced by the causes which I have mentioned, which contributed essentially to the increase of her wealth.

If, Mr. Chairman, we look into the page of history, we shall find that foreign commerce has been a fruitful source of wealth, in ancient as well as modern times. Look at Sidon and Tyre; at Venice, Genoa, and Pisa; at Lubec, Hamburg, and the other Hanse towns. See to what a pitch of opulence these towns were each carried by its aid. Look, sir, at the Northern States of this Union. It operates as a cause of wealth, by giving increased productiveness to the agricultural and other labor of the country which possesses it, by means of the boundless market which it opens for its surplus produce. Where its own country, either from the poverty or smallness of its territory, has no such surplus produce, it is actively engaged in effecting an exchange of the produce of foreign countries, and thus reciprocally imparting value to that which each wanted, and which each had to spare. When, by these means, capital is accumulated, and the population full, then come manufactures, which, as they cannot exist without capital, necessarily presuppose its previous accumulation. But if, in the tide of time, and the vicissitudes of human affairs, any circumstances turn this commerce into a new channel, the capital which flowed from it, takes the same direction, and the manufactures, which depended for their existence on that capital, follow in its train, and associate themselves anew with it, in its new habitation. Accordingly, Mr. Chairman, in the Italian cities, and Hanse towns, whilst the capital from foreign commerce remained with them, so did manufactures; but since its departure, nothing is left of them but the sad memento and melancholy remembrance of their former opulence and grandeur! This is the inevitable course of things, and you might as well attempt to arrest the progress of the earth, by the stamp of the foot, as to attempt to alter it. Nothing, then, remains, after these sojourners have taken their flight, but the solid agricultural wealth of the country which possesses it. In this respect, sir, the United States enjoy a felicitous position in the scale of nations; possessed of a territory vast in extent and of great fertility, we have the deep foundations of our wealth laid upon the fixed and permanent basis of agricultural labor; possessed of an extensive foreign commerce, which lays open the world to us, as a market for the surplus produce of that labor, and stimulates its productions by the value of all the diversified commodities, whether of comfort or of luxury, which it offers us in exchange, our lot is cast in pleasant places, and, if we wait with patience, and enjoy the blessings which we have, time and circumstances will raise up manufactures amongst us, when the condition of the country shall require it.

And let it not be supposed, sir, that, without great extension of manufactures, we shall be without wealth. Compare Great Britain and the United States in the rapidity of their progress in prosperity—in this comparison, the question is, which of the two countries has improved most rapidly, in proportion to its capital? For, as in each the whole annual produce (amounting, in Great Britain and Ireland, to £350,000,000 sterling) is used either as revenue for actual consumption, or for the purpose of increasing the productive industry of the country in subsequent years, the increase of wealth is to be measured by the proportion which that improvement bears to the capital of the country. Has Great Britain made as great relative progress as the United States? The question is answered, conclusively, in our favor, by looking at the unexampled increase of our population, by their comforts and independence, by the continued extension of our settlements, the clearing of new lands, the consequent enlargement of the area of cultivation, and, in fine, by every circumstance which marks the rapid growth of a country. Go back forty years, and take the ground which each then occupied. No man will say that we have not moved further from our then position than she has from hers.

I do not mean to say, sir, that manufactures do not contribute to the wealth of a country, that they do not contribute to the wealth of England. My proposition is, that, though they are the cause, they were first themselves an effect. English capital was first accumulated; that gave rise to manufactures, and they, in their turn, now add to the public wealth. But to say that they were the primary cause of that wealth, would be as improper as if a Boston merchant, who had accumulated a million of dollars by commerce, and then invested it in manufactures, from which he received a profit, were to say that manufactures were the cause of his wealth. But, in whatever way, or to whatever extent, manufactures may have contributed to the wealth of England, it is not by protecting duties, as has been contended, that they have been sustained in her competition with Europe. No, sir, the causes of her manufacturing prosperity have a much deeper source than these. They are found, besides the political circumstances before stated, in her inexhaustible fund of coal, and other natural advantages, and the no less important acquired advantages of capital and machinery. The British writers themselves ascribe their success to these causes; and the Ministerial exposé of the British resources, published in 1823, distinctly ascribes it to their immense superiority in capital and machinery, which so multiplies human industry, says the same pamphlet, as to render the cost of labor, as compared with the produce, almost wholly insignificant.

I refer to the same pamphlet, sir, for certain facts which conclusively prove to me the inefficiency of protecting duties. In 1823, the exports of linen from Great Britain were only about £2,300,000; of woollen, about £6,000,000; and of cotton, £20,000. Now, sir, upon the coarse linens, there is an actual bounty upon exportation. As to woollen, it has received a large share of the paternal care of the British Parliament, from the reign of the First Edward to the present time—a period of upwards of 500 years. It has been a perfect legislative bantling in point of protecting duties; yet cotton, the export of which, in the year 1780, did not much exceed £2,000,000, has now grown to half the amount of the whole exports of the kingdom. The reason is, that, from the texture of cotton, it is emphatically fitted for machinery, and hence the astonishing increase in its manufacture.

Let us now, sir, examine the manner in which wealth, acquired by manufactures, is distributed. Some years ago, the persons engaged in manufacturing cotton in England, were estimated at 800,000. They may fairly now, from the extension, be set down, at least, at 1,000,000. It would be a large calculation to suppose, that 50,000 of that number were interested in the capital; but let the profits be ever so great, every one knows that the laborers receive only wages, and that, too, scarcely enough for a comfortable maintenance. Of consequence, the whole profit passes into the hands of the capitalists. Here, then, of 1,000,000 of persons, 50,000 receive the profits, whatever they are, and 950,000 receive nothing beyond mere maintenance. Now, Mr. Chairman, is it the policy of this country to concentrate wealth in the hands of a few, or to give it the utmost possible diffusion amongst our people? We have been told that we ought to have an American policy. So say I, sir. This system suits well the meridian of Great Britain. It does not suit ours. The immense burdens of that kingdom, the large loans which are sometimes necessary to be effected, make it convenient to the British Government to have its wealth in the hands of a few large capitalists. They are convenient subscribers to a large loan for the service of Government, or for a subsidy. With us, the principles of our Government, the whole frame of our polity, require us not to make large masses of wealth, but rather to break them into smaller pieces. Great inequality in wealth would tend to warp our institutions from their natural course. Sir, the structure of society in Great Britain may be aptly illustrated by one of the stately columns which support the dome of this magnificent hall: Its base is of freestone; its shaft, of domestic marble; its capital, of fine Italian. The emblem of ours is, or ought to be, a column, whose base, shaft, and capital, are of the same material. I repeat, sir, that a system, tending to produce great inequality, may suit Great Britain; it does not suit us. And, after all, Mr. Chairman, is wealth, though desirable, the only great desideratum in Government, especially in ours. Carthage, sir, the richest city in the world, in her day, was, at the same time, the weakest; and, in the last great struggle for her political existence, she relied, for her defence, upon an army of mercenary soldiers, and was utterly defeated and overthrown by her poorer neighbors, the Romans—thus executing their famous denunciation, *Delenda est Carthago*. Sir, there are great moral and political objections to the premature encouragement of manufactures.

I shall not attempt, sir, to take the lecturer's chair, and read a moral homily to the Committee; I shall not stop to speak of the effects of large manufacturing establishments, upon the health, the manners, or the morals of the laborers; let it be, if gentlemen will have it, that continued toil, through the day, and part of the night, the continual smoke, oil, and lamps, of these places, do not affect the health; let it be, that the early withdrawal of children from parents, and the indiscriminate crowding together of sexes and ages, do not affect the morals; let all this be, and yet there is an objection in a political light, which makes me adverse to this policy. In England, sir, if wealth can be accumulated, if the Government can squeeze taxes enough from the people, to save it from sinking under its mountain load of debt, if the privileged orders and capitalists can be kept up, it matters not, that hundreds of thousands, that millions of the people, are doomed to exist, not live; to be considered as the machines which belong to the establishment; with no other difference than this, that, whilst other machines are impelled by water, or fire, they are put into motion by that principle of animation which nature implanted in them. In this country, sir, we not want animated machines, we do not want plebs, or populace; we want men, we want people; we want citizens who obey the laws, not task-masters; who do not receive their daily bread from the hand of another, but from their own voluntary labor upon their own soil; who have some stake in the Government, who feel and take an interest in public affairs, and are ready and willing to defend themselves as men and citizens in their rights of property, and civil and political liberty. What comparison, sir, is there, between a million of Englishmen engaged in cotton factories as day laborers, and a million of American citizens cultivating their own soil.

Look, sir, at the riots in England in 1808, and 1812, when whole manufacturing districts were roused into acts of violence from the low price of labor and the high prices of provisions. A sudden check to demand for manufactures, or a temporary scarcity of grain, makes wages an insufficient resource for comfortable maintenance. Remove them, and they settle down quietly to their tasks. Reflect for a moment, sir, on the scene in 1815, when the corn maximum was under consideration, when my Lord Castlereagh, late Lord Londonderry, caused the Parliament house to be surrounded by armed soldiers, to keep off what he was pleased to call a mob; that is the people, who feared, by the high price of grain, they would starve for bread. In this country, sir, where agriculture predominates, no such difficulties occur; our own people eat their own bread, and have some to spare to the British manufacturer. And let us not be uneasy, sir, that we have too much breadstuff; we can always dispose of it at some price; and if it be now low, it is owing to the state of the world; so are manufactures in England low; indeed it seems they are too low; for our manufacturers tell us they are so much so that they shall be ruined if brought into competition with theirs. Let me add, sir, for the comfort of our agriculturists, that some surplus of grain on hand is a national blessing; they serve the purposes which public granaries did in ancient times to supply deficient years; the very year, sir, after the English farmers called for a maximum on corn, from their supposed abundance, the year 1816, such was the scarcity that it rose to £6 sterling the quarter of eight bushels; even in this land of plenty, Indian corn sold at $10 per barrel, and flour at near $15. A continual surplus, then, I repeat, is a public blessing.

But it is said that the late war and the double duties gave an encouragement, which caused infant manufactures to spring up, and that they ought to be sustained by Government till they become strong enough to withstand foreign competition. No doubt, sir, that, since the peace, the manufacturers have suffered great reduction in their prices; but in this they participate in common with every class of their fellow-citizens, nay, sir, with every part of Europe. Mr. Lowe estimates the fall in agricultural produce at 60 per cent., and in that of manufactures at from 40 to 50 per cent. The same cause operated in Europe and America; from 1792 till 1814, except the feverish truce which followed the peace of Amiens, all civilized Europe almost was in arms; half a million of men on the side of France, about the same number on the side of the allies; this created an immense demand for ordnance, munitions of war, clothing, subsistence; this demand gave new stimulus to their production, and enhanced the prices to an enormous extent; upon the peace of 1814, this demand was greatly diminished, and consequently the prices of every article fell to a peace rate. The languor which followed, corresponded to the preceding excitement. Let me present to the Committee the description which Mr. Lowe gives of the prominent characteristic of the national embarrassment of England since the peace of 1814. I use his own words: “A deficiency of employment among part of the lower orders, and distress, from insufficiency of wages, at those intervals, when provisions were high priced. In the middle classes, whether merchants, manufacturers, or agriculturists, the general ground of complaint has been an inadequacy of profit, a disproportion of prices to the cost of production. The principal cause of these and other difficulties, was, doubtless, as explained in the preceding chapter, the magnitude of the transition, the suspension of Government expenditure, and the consequent overstock of hands.” He then considers the evil as aggravated by the public burdens, and the expense of living being higher than among their neighbors.

Towards the close of the European war, we were drawn into its devouring vortex with one of the belligerents; the same extravagant enhancement of price occurred here for every article required for the public service or individual consumption; upon the return of peace here, as in Europe, every thing returned to its natural peace price. The same state of things, however, pervaded the whole society; the ship owner, the merchant, the farmer, all shared the same fate. I regret that war prices allured too many persons to embark in manufacturing projects; even in Massachusetts alone I learn that eighty-five manufacturing companies were incorporated in four years. But, Mr. Chairman, I will show that the manufacturers have no cause of complaint against the Government; on the contrary, that the Government has acted with great liberality to them; until the year 1812, there was no duty, except on carriages and their parts, higher than 12½ per cent.; by the act of 1812, the permanent duties were doubled, thus raising them from 12½ to 25 per cent.; there was a duty of 2½ per cent., called the Mediterranean fund, laid in 1804, and continued by successive acts to 1815, when it expired, but it was no part of the permanent duty; the act of 1812, which doubled the duties, declared, that it should continue in force for one year after the peace, and no longer; here then was fair warning to all who engaged in manufactures; they were purchasers with notice.

In 1816, however, the manufacturers represented, that the transition from war to peace, made it necessary to give them a temporary continuance of protection; accordingly, by the act of that year, we continued the 25 per cent., the war duties on cotton and woollen for three years, and then declared it should be reduced to 20 per cent.; before the lapse of those three years we again continued the 25 per cent. on cottons and woollens to 1826, and now we are asked for further protection. This state of facts, and history of legislation, will certainly acquit us of any charge of want of liberality as to the great articles of cotton and woollen. Let us now take the case of iron. In 1816 that article was subjected to a duty of $9 per ton; it was raised, in 1818, to $15. I find by the document from the Treasury, by dividing the whole value of iron imported by the number of tons, the price per ton is $55 and a fraction. Now, it will be found that $15 per ton is more than 25 per cent. ad valorem. This was the war duty, excluding the Mediterranean duty of 2½ per cent. But, if we take the price of iron in the interior of Sweden, where it is made, it is not more than $40 or $45 per ton; here it sells at least for $80; and as the manufacturer here gets the whole benefit of the difference between the price to the manufacturer in Sweden and the market price here, his advantage is equal to between 90 and 100 per cent. The case of hemp is as favorable to our growers; but I forbear to go further into particular articles. It may be said, in general, that the present duties equal the war duties. Let us now, sir, institute a comparison between the relative advantages of Great Britain and the United States in manufacturing. The first thing is fuel, of which they boast triumphantly; in that article we are equal to any nation on the earth; our forests groaning with wood, and the bowels of the earth teeming with coal. The next is the raw material. As to cotton, of which half their exports is composed, as appears from their ministerial pamphlet, we raise it, they do not; here, therefore, we have the advantage. As to provisions, we have an immense advantage. As to the relative taxes of the two countries, it is known that theirs greatly exceed ours, and here, also, we have the advantage. As to wages of labor, it is said that ours greatly exceed theirs; but, in the first place, I would remark that, if it be true, as has been said, that machinery multiplies the physical force of a country twelve times, then it follows that eleven-twelfths of this disadvantage are obviated. But another strong argument arises from the nature of wages; every pursuit to be continued must yield about the average rate of profit in the country after paying all expenses; now wages are a part of those expenses; when, therefore, it is said that manufactures cannot pay the rate of wages that other pursuits do, it shows that those others are more beneficial; besides, high wages, if the business yet goes on, is the best sign of the prosperity of the country; they are paid to the laboring class of the community, who are always a majority; it shows, therefore, that that class is in a comfortable condition. The last point of comparison is capital; now I know the positive amount of British capital greatly exceeds ours, but its relative amount does not much exceed ours; by relative amount, I mean the proportion which the capital bears to the transactions to be negotiated by it; thus, one man may have a capital of a million, and another only of ten thousand dollars, the one being a wholesale merchant and importer, and the other a small country dealer, the latter may have as much relative capital as the former.

Some idea may be formed of the amount of capital required to negotiate the transactions in Great Britain and Ireland, by the following table given by Lowe, of their national expenditure, or consumption for 1823:

Expended on the produce of the soil for the food of man, or for purposes of manufacture - - - - - -	£120,000,000
On the produce of the mines - -	10,000,000
On manufactures for home consumption - - - - - - -	70,000,000
On houses built or repaired, on furniture, and on improvement of land, or whatever is termed in law real property - - - - -	30,000,000
On all goods imported, whether for consumption, such as tea, sugar, coffee, or for manufacture, as wool, hemp, iron - - - - -	70,000,000
On all commodities or products not comprised in the preceding - -	50,000,000
	£350,000,000

The best way to ascertain the relative amount, is the interest of money; that is, the price paid for the use of money; and the price of that, like every other commodity, depends on the proportion between the effective demand and supply. Government in England can command money at four per cent., we at five. This then shows the difference in the relative demand. I have not mentioned machinery, because he who has capital can command it. These are the comparative advantages and disadvantages of the two countries in manufacturing facilities. But our manufacturer of cotton and wool, for example, besides the minimum on coarse cottons, has twenty-five per cent. duty, estimated upon the original cost, with the addition of ten per cent. to that cost—thus making the duty twenty-seven and a half per cent., then the amount of freight. Mr. Hamilton, thirty years ago, estimated it at from fifteen to thirty per cent. As, however, freight has fallen, I will state it at ten per cent. although upon articles whose bulk is large, compared with their value, it may more than double it. Then there are incidental charges of commission, insurance, &c., making the aggregate of advantage to our manufactures from forty to forty-five per cent. If with these extra advantages added to our natural ones he cannot sustain the competition, I must tell him that I cannot go further—I cannot agree to give more for a yard of cloth than forty-five per cent. advance beyond what the foreigner makes it for. Upon what ground does he ask it? Has he skill, capital, and machinery?—he does not need it. Has he capital?—he does not need it; for capital will command the others. If he have not capital, we cannot advance it to him.

Sir, it has been often urged, that all the other branches of industry in the country have been protected; that commerce, navigation, and agriculture, have all received aid from Government; and that justice therefore requires that manufactures should also receive their proportionate share. Let us for a moment investigate this subject. I think, sir, it will result in the proof that manufactures have received more aid from that source than the three other great interests united. I have made an estimate upon this subject, the principles of which I will first explain before I present it. The whole net revenue for the year 1822 was $20,500,000. Of this sum, the duties on wines, molasses, teas, and coffee, and certain miscellaneous articles, not coming into competition with any interest, and not benefiting any, I have deducted—leaving a balance of $15,900,946. I have then taken what seemed to benefit agriculture—viz: duties on spirits, on sugar, deducting drawback; on miscellaneous articles; to this I have added half the amount of discriminating duty on all our tonnage engaged in foreign vessels, and half the estimated profit of all our coasting trade, estimating it at six per cent. upon the whole cost of the tonnage. I have added the extra duty on merchandise in foreign vessels, and the fishing bounties; and the aggregate being $6,166,604, being deducted from the amount of revenue of $15,900,946, leaves $9,734,342 of duties, operating in aid of our manufactures. Gentlemen themselves have said it is no matter for what purpose the duties were laid; the question is, what is their practical effect? I have not included in this estimate the duty on cotton, because it sustains the competition in the foreign market, and therefore derives no aid from duty. But the Committee will perceive that the amount of duties favorable to manufactures, upon this estimate, exceeds the aggregate of those favorable to all the other interests, by $3,567,698—a sum more than three-fourths of what would be the whole amount of duty upon all the cotton exported from the United States, supposing it to be 500,000 bales, and supposing that an equal amount, but for the duty, would be imported—a supposition utterly out of the question. The much talked-of benefit to the tobacco planter, by the duty on snuff and tobacco, rests on the same ground with cotton—it sustains the foreign competition. But let us suppose that some worthy of notice might be imported, then the excess which I have before stated will fully meet every possible calculation as to cotton, tobacco, and snuff; and thus the manufacturing interest receives as much protection as all the others. I have formed the estimate as to our tonnage duty and coasting trade, upon the possibility that, without the aid which they received, foreigners might have come in for one-half. It will at once occur to the Committee, that is much too large a supposition. In our own trade, and particularly our coasting trade, the advantages which our citizens would have, together with that hardy spirit of enterprise which braves every danger, traverses every sea, and encounters every difficulty, would have enabled them always to have monopolized three-fourths of this advantage without the aid of Government.

Sir, there is one fact on this subject, which is decisive of our superiority in the competition. The discriminating duty in favor of American vessels is now abolished by treaties with England and France,* and other foreign nations with which we have most commerce, and yet the document from the Treasury shows us that of $894,739 tons of tonnage which entered our ports during the last year, 775,271 were American, and 119,468 only were foreign. I have not included the duty on molasses in this estimate, amounting to $617,868, amongst the items favorable to agriculture, because I believe that our domestic molasses is almost all consumed as an article of food, and that it is, in a very small degree, if any, the subject of sale. I have, however, included in my estimate two items, which since the late arrangements with foreign nations, ought not to be included; I mean the sum of $523,663, the supposed advantage to our tonnage, by the former discriminating duty, now abolished with all nations with which we have a commerce in any degree considerable, and also the amount of extra duty on foreign merchandise. With these remarks, I submit the statement.

Total net revenue of 1822		$20,500,000
Deduct duties on articles not aiding manufactures, or other interest, viz:		
Wines	$747,996	
Molasses	617,868	
Teas	1,676,250	
Coffee	714,150	
Miscellaneous articles	842,790	
		$4,599,054
		$15,900,946
Duties favoring agriculture, navigation, &c., viz:		
One-half of 744,764 tons, in foreign trade, the discriminating duty	$523,663	
Benefit of coasting trade, one-half at 6 per cent. on cost	875,670	
Extra duty on merchandise in foreign vessels	33,690	
Fishing bounties	161,400	
On spirits	2,040,413	

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* "I find the discriminating duties are abolished, as between the United States and the following countries, viz: The British dominions in Europe, Sweden, the European possessions of the Netherlands, Prussia, Hamburg, Bremen, Lubec, and the Dukedom of Oldenburg. As it respects France, discriminating duties are abolished on goods imported for transit, or re-exportation, and provision is made in certain events for the progressive abolition of the discriminating duty on imports; and, in the meantime, it is declared, that neither the discriminating duties on imports or tonnage shall exceed a given and very moderate sum."

Sugar, deducting drawback - - - -	1,931,768	
Miscellaneous articles -	600,000	
		$6,166,604
Balance favorable to manufactures -		$9,734,342

Sir, I should have been glad to have made a comparison between the relative profits of manufactures and other pursuits, if I could have commanded the data. One of my objections to this bill, however, has been already stated to be, that we cannot procure the necessary information on this subject to arrive at any precise result; yet, there are some facts, which I beg leave to state, as showing the probable profits of manufactures in general, and the certain prosperity of some. The annual Treasury report shows, that in 1823, we imported, of foreign articles, $5,755,109 less than in 1822; and that, in the same year, we exported, of foreign articles, $5,244,267 more than in the preceding year. Adding together these sums, it appears that there was a diminution of consumption of foreign articles in 1823, compared with the preceding year, of about $11,000,000. Now, sir, this additional sum must have been supplied from our own manufactures, more in 1823 than in 1822, unless we could suppose, what is altogether improbable, that, as our population increased, our consumption decreased. Supposing the consumption only to have remained the same, the same conclusion results from this fact. Again: previously to the year 1820, there was actually invested, as appears from the commercial digest, in manufacturing stock, a capital of upwards of $46,000,000; that, since 1820, companies have been incorporated in four of the Northern States only, with an aggregate capital of about $15,000,000, about one-third of all the previous investments. Unless, sir, we suppose the capitalists totally to have lost sight of that sagacity for which they are distinguished, which enables them to see what investment of capital is profitable, this fact affords strong presumptive proof of the increasing prosperity of manufactures. Sir, I am informed, from good authority, that an iron factory, in the State of New York, has, for a series of years past, netted 20 per cent., though it transports its ore 12 miles, is 18 miles from water carriage, and 145 miles from the city of New York. As to this item, let me say, that the ministerial pamphlet, before quoted, states the decrease in price of iron in England to be undoubtedly great, and assigns this strong reason, that the sword is succeeded by the ploughshare. I have further been informed, sir, that there are two manufacturing establishments in Massachusetts, which make a profit of 25 per cent.; that certain capital invested in manufactures is at from 40 to 60 per cent. beyond par; and that, within the last ninety days, mercantile capital has been invested in manufacturing stock at 40 per cent. beyond par. Sir, what is there to compare with this in any other department of national industry? If it be said that these are a few well established manufactories with large capital, what is the import of that argument if it be not this; not that foreign competition is the most serious evil, but that our smaller capitalists call on us to sustain them against the larger ones—against the domestic competition. The irresistible conclusion which follows, is, that the fault is not in the pursuit, but in the pursuer; that there is a want of capital, or skill, or machinery, or economy, or of something, which it is his duty, not ours, to upply.

Mr. Chairman: When we argue upon the impropriety of commencing a system upon the authority of the British example, at a period when the ministers and statesmen have become convinced by experience of its impolicy, we are met with the declaration that whilst this is their theory, they do not carry it into practice. Let us first see the principle now openly avowed to the world by the British ministry, in the pamphlet already quoted. I give it to you in their own words: "Again and again let it be repeated, that they (the 'ministers) are thoroughly impressed with the 'truth of the principle, that freedom of trade is 'alike advantageous to the best interests of the 'country, and to the solid profit of the merchants, 'manufacturers, and growers." And, sir, let me inquire, are gentlemen correct when they assume the fact that this theory has not been carried into practice? I answer, no, sir. Within a few years, Great Britain, after successively relaxing the rigor of her double colonial monopoly in her West India islands, has extended the system of free ports to almost all those islands; and the United States are now enabled to import that colonial produce in their own ships, instead of receiving it imported in British ships only. She has admitted us to a direct trade in her ports in the East Indies, so as to excite the clamor of her merchants, that we should rob them of their India as well as China trade; she has, by treaty stipulation, abolished all discrimination between American and British imposts and tonnage; and, finally, she has knocked off as many shackles from the monopoly of the East India Company, as, under the circumstances, ministers felt that they could venture upon. The ministers admit that, if the ground were clear before them, a free would be preferable to a restricted market; but they say, that, whether it be called a system of error or abuse, it has grown up under less enlightened times. On account of the capitals that have become fixed, and the interests that are embarked, the question is not what is absolutely best, but what is so, under existing circumstances. Thus, sir, we find, that this theory has, in important respects, been carried into practice; and that the only ground upon which ministers stop short in correcting acknowledged error and abuse, is one beautifully and forcibly expressed in the Philadelphia memorial: That the fetters have sunk so deep they cannot be suddenly removed without tearing away a part of the flesh with them. The British example then, sir, should be to us a beacon, to warn us of the rocks and shoals which lie in the way of this policy. Mr. Chairman, I have endeavored to maintain these propositions: that the state of the Treasury does not require an increase of revenue; that if it did, this bill would not effect it; that it is improper in us to exercise a power given for one object, so as to attempt to effect another; that the operation of this bill would be, by legislative coercion, to increase the profits of capital in some parts of the country to the exclusion of others; that it would produce none of the advantages which its friends contend for, but contrary and injurious effects; that manufacturers have a full share of the national protection and prosperity, and that, therefore, we ought not to add to it; that the example of Great Britain, which we are invited to imitate, is fading away in the broad light of experience. If I have succeeded in proving these positions, then, surely, the bill ought not to pass; but if it must pass, if like the meek and patient animal which is annually shorn of its fleece for the use of man, we must suffer, then, whilst the people will submit to the laws passed by the constituted authorities of the country, they will feel that spirit of discontent which arises from a belief that this law is not supported either upon principles of justice or sound policy.

When Mr. B. had concluded, the Committee rose, and the House adjourned.

SATURDAY, March 27.

EDWARD F. TATTNALL, a Representative from the State of Georgia, appeared, was qualified, and took his seat.

GENERAL APPROPRIATION BILL.

On motion of Mr. **MCLANE**, of Delaware, the House then resolved itself into a Committee of the Whole, for the purpose of considering the several amendments proposed by the Senate to the bill "making appropriations for the support of Government for the year 1824."

The first amendment proposed to add $700 to the amount appropriated for "stationery, fuel, and other contingent expenses of Congress." This amendment was agreed to.

The second amendment proposes to reduce the amount appropriated "for surveys of public lands," from $100,000 to $75,000. This amendment was explained and advocated by Mr. **MCLANE**, and was concurred in.

The next amendment increases the sum appropriated "for improving the Capitol square, and painting the railing round the same," from $1,250 to $2,000. Mr. **CUSHMAN** stated the reasons which led to this increase. The amendment was concurred in.

The Senate proposes to insert in the bill a clause, as follows: "For graduating and levelling the grounds round the President's House, $2,000." Some remarks were made upon this item, by Messrs. **MILLER** and **CUSHMAN**; and, at the suggestion of Mr. **FORSYTH**, who stated that he wished to obtain further information on the subject, it was passed over for the present.

It is also proposed to amend the bill by striking out the sum of $18,000, which was appropriated "for the salaries of the commissioner and arbitrator under the first article of the Treaty of Ghent, and for half the salary of their secretary, and half the contingent expenses of the commission," and insert $4,500 in lieu thereof, for that purpose. The Senate further propose to amend this clause, by inserting the word "agent," after the word "arbitrator." By this amendment, it will be perceived that provision is to be made for a public agent, in connexion with this commission.

Mr. **MCLANE** moved to strike out the word "agent" from this amendment; and, consequently, to reduce the proposed appropriation from $4,500 to $2,500. He advocated the amendment he proposed at considerable length, and went into an examination of the terms of the treaty under which the commission was instituted, and the nature of the claims exhibited before it, to show that this agent was neither necessary to the interest of the Government, nor of the individual claimants.

Mr. **WARFIELD** was opposed to the amendment proposed by the gentleman from Delaware. He alluded to the various instances, from the establishment of the Government down to the present day, in which similar powers, in the appointment of agents, though not expressly provided for by the terms of the treaties, had been exercised by the Executive, when such agents were necessary to the protection of the public interest, or of the rights of the citizens. He adverted to the remarks of an honorable member of the Senate on this subject, which were published in the paper of this morning. He considered this as one of the cases in which an agent was peculiarly necessary, and thought his continuance required to promote the great interests of these claimants.

Mr. **FARRELLY** spoke in opposition to Mr. **MCLANE**'s amendment. He, too, considered this agency as highly necessary. There were no data before the House to show that the services of the agent had not been very faithfully performed. The act by which the commission was established, was a national act, and it ought to be consummated by the nation. The treaty provides that the Government shall establish the average value of the slaves; and, if the agent is taken away, how, Mr. F. asked, could this be done? For this purpose the agent had been highly necessary; and the evidence, on that point, was not yet concluded. And, even if it were, he thought the duty of the Government to the individuals, whose property was involved in this public act, required the continuance of this agency. From the practice of this Government, in relation to other commissions, he considered it bound to provide an agent in this case.

Mr. **BRADLEY** considered the ascertainment of the average value of the slaves, for which compensation was to be made, as a most important part of the business of the commission. It was a component part of the treaty, and could only be carried into effect by the appointment of an agent. The evidence, on this point, was to be furnished under the authority of the President; and, as it was not to be supposed that he was to appear before the commissioners in person, it must be considered as a specific authority for the appointment of this agent. This was unlike other treaties, by which commissioners were appointed, as there was a previous question to be settled, as to average value.

Mr. **McLane** explained, in reference to the remarks he had previously made. The average value was to be ascertained, by taking the value of slaves throughout the United States—not by an itinerant agent to be sent throughout the country, but by correspondence with different parts of the country, by the Department of State, or an agent appointed for the purpose. The ascertainment of this average was the basis of the business of the commission, and ought to have been obtained previous to the meeting of the Commissioners. If it had been obtained, the agent was no longer necessary; if it had not been collected, he thought the agent who had not done it ought not again to be provided for. The article of the treaty does not mention the term agent—the business is put upon the President. The Commissioners would not have received this agent—he was not authorized by the treaty. This agent either had, or had not, done his duty; in either case he was no longer necessary. Mr. McL. believed that no agent, of a similar character, had ever been appointed. The President had a right to appoint public diplomatic agents in the recess of the Legislature; these have been appointed—they are a part of the diplomatic corps—but there was no instance, in the history of the Government, of the prospective appointment of a salary officer by the President. The amendment from the Senate constitutes him an agent for Government. Is he necessary for the interest of the Government? He is entirely irresponsible to the individual claimants. Mr. McL. said he was not willing to appoint an agent for the individual claimants; and he did not believe that the *public* interest required an agent. He thought the Government ought not to connect itself with the commission, by the appointment of an agent.

Mr. **Bassett** was opposed to the chairman of the Committee of Ways and Means on this subject. He accorded in the principle, that the President had no right to appoint a salary officer, not provided for by law. But he might certainly appoint a temporary agent, for a certain purpose. He went on to show that the appointment of this agent was necessary. He contended that the agency was created by law, as having been computed in the appropriation made for the support of this commission at the last session. He thought the Government was bound to take an interest in assisting these claimants, and forwarding their business before the Commissioners. The agency has been established for their benefit, and it ought to receive the support of the Government. Mr. B. said, there were many claimants who were not able to employ private agents. He instanced two cases of poor persons in his own neighborhood, who were in this situation. Upon these individual claims the Commissioners were appointed to act. And it was the duty of the Government to provide an agent, for the benefit of those poor claimants, who were not able themselves to employ one.

Mr. **Rives** contended for the necessity of an agent in this case. The Government, he said, had assumed the duty of ascertaining the average value of slaves. The testimony to this point was to be exhibited, not by the President in person, but under his authority. And it was proper for him to appoint some person competent to conduct the business. The Government had come in, and agreed to take upon itself to establish the average value of the slaves. The individual claimants were not required to hunt the country over to procure information upon this point. It was peculiarly incumbent on the Government, under these circumstances, to take the necessary measures to procure this information. The President had not only the right to appoint the agent in question, but it was emphatically proper that he should do it, in order to afford the promised facilities to the claimants.

It had been said by some, that this information might have been obtained through the ordinary organs of the Government—through the Secretary of State or the Attorney General. Mr. R. thought it would have been a very niggardly policy to have imposed this duty upon either of those officers. There was certainly no obligation upon them to perform it. It had no connexion with the duties of their offices. The House would not expect the President to require of them the performance of a duty which they might very properly reject. If, then, the President was compelled to appoint some person, as the duties could be performed in no other way, Mr. R. said, he would like to know why the appointment was improperly made. If the appointment of this officer belongs to another department of the Government, and charges of non-performance of duty are alleged against the person appointed, the burden of proof lies upon those who prefer the charge. Mr. R. asked, what proof there was that this agent had not been vigilant in the performance of his duties? He called the attention of the Committee to the difficulties attending the ascertainment of the average value of the slaves. The value at the time of the exchange of the ratification of the treaty was to be taken. This could be done only by getting at the actual sales made at or about that time. It was to be done, not in regard to one place only, but to various places. The price of slaves varies much, according to the sex, age, and other circumstances. All these points are to be ascertained before the average value can be fixed. It was not at all extraordinary, whatever might have been the industry of the agent, that all the information had not yet been collected. Whatever might have been the want of diligence heretofore, Mr. R. thought it would be better now to continue the appointment. There was no limit, he said, to this commission. The board might continue the business as long as it pleased; and might sit, like an incubus, upon us, until its object was accomplished. The preliminary object, in the proceedings in regard to the commission, was the ascertainment of the average value of slaves; it was well known that this point was not yet decided—the materials for its decision were not yet collected. The session of the Commissioners must, necessarily, be protracted, until this is done. Under this view of the subject, he considered the agent as being absolutely necessary—the greater the facilities furnished, the sooner the duties of the Commissioners would be discharged. He thought, therefore, that there could be no sort of doubt of the propriety of appointing this agent, on the part of the Government.

But the gentleman from Delaware contends that, if this agent is not necessary on the part of the Government, it is improper to appoint him in behalf of the individual claimants; and he says that no agent has ever been appointed in a similar case. Mr. R. thought there was an essential distinction between this and other commissions. These claims arise entirely from the acts of the Government. The whole difficulty had arisen from the defective manner in which the article in the Treaty of Ghent had been drawn. In that treaty it was stipulated, that all places captured during the war should be restored, without carrying away any property. It was contended, by the British Government, that they were not bound by that provision in the treaty, to make remuneration for slaves taken away. This difficulty grew out of the manner in which that negotiation was made. The subject was referred to the decision of the Emperor of Russia. He has given his decision on the subject; in which he provides for the organization of a tribunal to make compensation for these slaves. This Government is bound to pay its part of the expenses of this tribunal, and to afford facilities to the claimants in establishing their claims. All their difficulty had arisen from acts of the Government—from the defective manner of conducting this business in the Treaty of Ghent. He meant not to impute any neglect to those who negotiated that treaty; but he did believe it to be the peculiar duty of the Government, under these circumstances, to assist the individuals concerned in these claims. We are told that it had never been contemplated to afford assistance to these private claimants, in this case. Mr. R. said, he differed from the gentleman from Delaware in that opinion. He knew that the agent had, since his appointment, frequently communicated with the private claimants. He knew that great sensibility and apprehension had been expressed by the claimants, at the prospect that this agent would be taken away from the commission. There were a great many nice points, he said, which were growing out of this subject. The award of the Emperor of Russia had made the matter but little plainer than it was before.

Mr. R. said, he did not feel it necessary to say any thing as to the manner in which this agent had discharged his duty. He very well knew the gentleman who had been appointed; and he did not believe there was any man more competent to the business. This was the very period in the progress of these claims, at which the services of the agent were most wanted; and, if he were taken away, the claimants would be involved in great difficulty.

Mr. WICKLIFFE thought that a provision for a salary officer, whose duties were not defined, who was irresponsible, and not appointed by law, ought not to be introduced into this bill. He believed the appointment of this officer was not authorized or contemplated by the appropriation bill of the last year. We have been told that this officer was appointed by the Secretary of State. Whether this agent should be again appointed, was for the House now to determine. It had been said to be beneath the dignity of the Secretary of State to do this duty. Mr. W. did not consider any of the duties of his office as derogating from the dignity of the Secretary. The description of evidence, in relation to the average value of the slaves, might have been obtained in sixty days, by application to the different marshals. We have given a year's salary to an agent for this purpose, and the fact is not yet ascertained. If the Board of Commissioners is limited by no other provision, the power is in the hands of the House, to make or not to make the appropriation for its support. He considered the appropriation for this agent as one which now ought to be stopped. The argument, that the Government had made this commission for the benefit of the private claimants, and ought to extend further assistance, was not a sound one. Because we have done one good turn, we must consequently do another. We pay the board, and so we must pay the agent. We pay the judges of our courts—but are we bound to pay witnesses and counsel for the parties? The opinion of honest, intelligent men, is the only evidence to be obtained of the average value of slaves; and that is to be laid before the Commissioners. This might have been done without the aid of this agent. It has not been the practice of this Government to prosecute private claims. The claimants will, no doubt, be glad to have their claims conducted at the expense of Government. He felt it his duty to oppose the appropriation for a salary for this agent.

Mr. FULLER thought it manifest that a service of this kind was requisite, and that the appropriation was necessary. If it was contemplated that the Attorney General or the Secretary of State should perform this service, why was the amount appropriated the last year? He considered that the President had a right to appoint one or twenty agents for this purpose, if it had been necessary. The fulfilment of the treaty was in the province of the Department of State; and it is possible that the duty of that appointment might have devolved on the Secretary of State. If there has been any thing improper let us make an investigation on the subject. There is no evidence of unnecessary delay, or any impropriety in this business. He understood it was very difficult to ascertain the average value of slaves at that time. This agent had been under the necessity of resorting to various means of information—the business is not yet concluded. Individuals have been led to rely on the good faith of the Government, and now they are to be cut off in the middle of the subject. It would be an act of gross injustice to take away this assistance.

Mr. TUCKER, of Virginia, thought it was rather singular the House should be engaged in the discussion of this matter, involving a sum of $2,000, when it is well known to be the opinion of the Secretary of State, and of Mr. Cheves, the Commissioner, that this agent was very necessary. Mr. T. proceeded to state the reasons which induced him to believe that his services were very valuable towards effecting the objects of the commission, and that those services were now even more requisite than they had been during the past year. He thought the true dignity of the Government was in protecting the rights and the interests of its citizens. He denied that this duty could have been properly performed by the Secretary of State or the Attorney General, consistently with the due performance of their other duties. He thought the individual who held this office was more competent, from his acquaintance with the nature of the duties to be performed, than any other person.

Mr. **Storrs** said, that two reasons had been given in favor of the appropriation for this agent—the protection of the public interest, and those of the private claimants. But the Secretary of State did not, in 1823, when the first appropriation was to be made, mention the necessity of this agent in relation to the public interest. He merely states that such a person would be desirable to forward the views of the private claimants. Mr. S. thought that, as the duty of this agent was not of a public nature, that the office ought to stop. It was easier to get a man into office than to get him out; and when his services are no longer necessary to the public, his office ought to be discontinued. This agent is not known as a public officer—his name is not to be found in the Register. The reason given for his appointment, in reference to the average value of slaves, had not been discovered until it came up in this House. Six months would have been ample time to have collected evidence on this subject, from all parts of the country.

Mr. S. went on to state his objections to this appropriation. He produced some instances to prove that discretion ought not to be given to the Executive Department to create offices. If there were a necessity for the officer, the office ought to be established by law. As he was only appointed for the benefit of the private claimants, and as they were no more entitled to such a favor than any other claimants, Mr. S. thought Congress ought not to authorize his appointment.

Mr. **Forsyth** made some explanation in reference to a remark of Mr. **Storrs**, relative to the Florida treaty.

Mr. **McLane**, of Delaware, replied to some of the remarks which had been made against his amendment. He felt perfectly convinced of the uselessness of this appointment, and, for that reason, considered himself bound to resist it. He had intended no imputation against the Secretary of State. He felt a high respect for him. But if, as the gentleman from Massachusetts had stated, we were bound to take estimates on this subject, it should be recollected that $18,000 instead of $4,500, would have been appropriated for the support of this commission. It was the duty of the President, through his Secretary of State, to collect the information for which the agent was appointed. Mr. McL. contended that the Government was not bound to sustain these claims, and that it ought not to commit itself in regard to them. It was the duty of the Government to make the best provision it could for the citizens, at the conclusion of war. This had been done in reference to these claimants, and the Government had done its duty towards them. He wanted no further evidence of the want of necessity for this agent, than, that a year should have been consumed in doing what might have been done in six months. He was rather disposed to argue that the business had already been completed, the duties of the agent having commenced a year ago, while that of the commissioners had begun but six months since. It had been stated by the gentleman from Virginia that the business was not yet done. If so, it was not the fault of the commissioners, but of the agent. He meant no insinuations against the individual in this case, but he spoke of the fact. It was quite time the office was abolished. If the business had been left with the Secretary of State, with his known vigilance, he would have completed these duties long since.

Mr. **Buckner** differed from his honorable colleague (Mr. **Wickliffe**) on this subject. He believed the ground that it was not the duty of Government to provide an agent in this case, because only a portion of its citizens, and not the whole, were concerned, was not correct. He thought there was force in the remark, that these losses were sustained in consequence of an act of the Government. The Government has acted from honorable motives in this case. It had an eye to the rights and interests of its citizens. He proceeded to remark upon the obligations of a Government to see that remuneration was made for the losses sustained by its citizens in time of war. He was not possessed of sufficient information as to the propriety of this appropriation. If the agent had failed in his duty, it was not a good reason, as he thought, for refusing the appropriation. The sum was a mere pittance, hardly worth the interest that had been displayed in regard to it.

Mr. **Poinsett** said that he believed the duties of this agency had been very arduous, and had been performed in a very satisfactory manner. He thought the business of the commission would suffer materially by withholding the appropriation for the agent.

Mr. **Forsyth** replied to the remark of Mr. **Poinsett**. He denied the existence of the difficulties which had been supposed to exist in connexion with this agency. He said the whole information required of the agent ought to have been prepared at the first meeting of the commissioners in August last. Every particle of the information might have been obtained by circular letters, written by one of the clerks of the Department. The Government had no other interest in the business than to see that justice was done to these claimants. It had placed them in the way to obtain that justice. Its duty had been performed towards them. In regard to the manner in which the appointment was made, it had never been submitted to Congress until the present session.

Mr. **McLane** explained. He stated that the appropriation for this commission had been made the last year, in pursuance of a statement of the amount required, as received from the Department of State. In that statement was included the salary of this agent.

Mr. **Hamilton** said that this agent had been engaged in an extensive correspondence on this subject—he had it not in his power to compel persons to answer these letters, and unavoidable delays had taken place. He said, if the subject was not fairly before the House at the last session, it was the fault of the Chairman of the Committee of Ways and Means. He said the agent did not deserve the insinuations that had been thrown out against him. Mr. H. had himself had reason to know that the most important information had been furnished to the claimants by the gentleman who held the office.

Mr. **McLane** replied. He had not intended to throw out any censure against the individual who filled this office, nor against any department of the Government, for his appointment. If there had been a necessity of the agency once, it did not follow that it should now be continued. He had said, and he well knew, that other private agents had been appointed by the individual claimants; and he would not consent to the appointment of an agent totally irresponsible to the claimants, and at liberty to do their business or not, as he chose.

Mr. **Sandford** was in favor of the appropriation—he thought that appropriations had been made for much more useless purposes, and that it was the duty of Government to provide assistance for these claimants, and save those who were very poor from the necessity of employing counsel.

Mr. **Forsyth** explained in reference to his previous remarks. As a member of Congress, he felt that he must vote against the appropriation, as not being required by the public interest, or the interests of the individual claimants.

Mr. **Hamilton** made a few remarks in confirmation of what he had previously said.

The question was then taken on Mr. **McLane's** motion to amend the amendment of the Senate, by striking out the provision for the agent, and carried in the affirmative—97 to 52. The amendment of the Senate, as amended, was then agreed to.

The Committee then rose, reported progress, and had leave to sit again.

The House adjourned till Monday.

Monday, March 29.

Mr. **Mitchell**, of Maryland, presented a petition of sundry inhabitants of the sixth Congressional district of the State of Maryland, praying for the aid of the General Government in the erection of bridges, at places therein mentioned, for the purpose of facilitating the transportation of the United States' mails.—Referred to the Committee on the Post Office and Post Roads.

Mr. **Cambreleng** presented a petition of Jacob Schieffelin and Son, of New York, merchants, setting forth that, in 1809, a considerable amount of property belonging to them, lying in a port in Holland, was seized by French authorities, transported to the port of Antwerp, and there sold, without condemnation, and the proceeds paid into the Treasury of France, and praying the interposition of Congress in such manner as to procure them redress for their wrongs.

Mr. **Poinsett** presented a memorial of Anthony Le Courtois, of Charleston, in the State of South Carolina, setting forth that, in 1811, while pursuing a lawful voyage from the United States to Russia, his vessel was captured by a French private armed cruiser, and, with her cargo, was condemned, by which the petitioner has been reduced to poverty and distress; and praying such relief in the premises as, in the wisdom of Congress, may seem meet and proper.

Ordered, That the said petition and memorial be referred to the Committee on Foreign Affairs.

Mr. **Holcombe** presented a memorial of John M. Gamble, a captain of marines in the Navy of the United States, stating that, while attached to the frigate Essex, commanded by Captain Porter, cruising in the Pacific Ocean, in the late war with Great Britain, he was placed in command of a vessel captured and manned by the Essex; in which vesssel he afterwards fell in with, and captured, a British ship of very superior force, and praying to be allowed prize money for himself and crew, for said capture.—Referred to the Committee on Naval Affairs.

Mr. **Call** presented a petition of divers inhabitants of the city of St. Augustine, and of other parts of the eastern section of the Territory of Florida, praying permission to cut a canal through public lands, lying between said city and the river St. John's; which petition was referred to the Committee on the Public Lands.

Mr. **Fuller**, from the Committee on Naval Affairs, reported a bill for the relief of Barbara Paulas; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. **Mitchell**, of Maryland, the Committee on Commerce were instructed to inquire into the expediency of erecting a lighthouse on Poole's Island, in the Chesapeake Bay.

GENERAL APPROPRIATION BILL.

The House then went into a Committee of the Whole on the amendments of the Senate, to the appropriation bill "for the support of Government for the year 1824."

The question being then on the amendment striking out of the bill the following clause: "And ' provided, also, that no person, receiving an annual salary from the Government of the United ' States, shall receive any thing in addition thereto for any official services whatever, by way of ' perquisites, or extra compensation, except for ' fees of office which may be established by law;"

Mr. **Cocke** stated a number of facts in relation to the compensation received by Governors of Territories, for extra services. He quoted the law appointing the salaries of those officers, and contended that they had received, in some cases, double what the law warranted, for the performance of duties which properly pertained to their functions as Governors. He acknowledged that he had been under a wrong impression with respect to the Navy Commissioners, who, he was happy to state, received nothing beyond what the laws of their country prescribe. He made some remarks on the compensation received by the Surveyor General, on which he entirely differed from the opinion given by the Secretary of War, and he read a report of the former committee of the House in confirmation of his views.

Mr. Vance, of Ohio, explained what he apprehended to be the state of the law on the subject of Territorial Governors. He gave a statement of the compensation allowed to the Superintendents of Indian Affairs, from the first organization of the Government, and the changes which had taken place to the present time, and he contended that the gentleman from Tennessee was mistaken in supposing that the emoluments received by the Governors of Territories were not warranted by legal provisions. He reprobated the idea of attempting to regulate the Indian Department by a clause in an appropriation bill; and contended that the clause, if restored, would operate with great injustice, especially on the Governor of Michigan, whose disbursements, in relation to Indian affairs, were very great, and who, if deprived of the compensation now allowed to him, would be placed on a lower and worse footing than a common Indian agent. He dwelt on the improvements which had been introduced into the Indian Department during the present Administration, for which he contended that the present Secretary of War was entitled to the respect and gratitude of the House, and of the country.

Mr. McLane spoke in reply. He discussed at length the laws in relation both to the Territorial Governors and the Surgeon General, which he stated as fully warranting what they received. If any improvement was to be introduced into the Indian Department, the present bill was not the proper one to effect it, and the discussion was only calculated to embarrass it.

Mr. Warfield quoted several laws in relation to the appointment of Indian agents, and opposed the clause which the Senate had stricken out, as being of too broad and unguarded a character. Possibly abuses did exist, and the laws in relation to Indian affairs would certainly be better for revision; but this must be done as a separate matter, and with deliberation. He hoped the discussion of that subject would be now relinquished.

Mr. Call, of Florida, stated the many valuable services performed by the Governor of that Territory, and argued in favor of the equity of some farther compensation than his mere salary as Governor. He remarked at large on the case of the Surgeon General, stated the value of his services, his necessity of obedience, as attached to the Army, even in the performance of the longest and most expensive journeys. He was in constant activity, and his salary alone might be exhausted by a single journey; talent and services were nowhere so poorly rewarded as in the medical staff of our Army; and if we persisted in this policy, talent would retire from the service of the Government, &c.

Mr. Cocke spoke in reply; and insisted on the grounds he had formerly taken. The provision was not aimed at any one in particular—its language and its aim were general. He stated some further facts as to the compensations received.

Mr. Vance, of Ohio, explained some of his former statements, and added facts in reply.

Mr. Wickliffe recalled the remembrance of the gentleman from Tennessee to what had passed in this House when the clause now stricken out by the Senate had been proposed by that gentleman, when he stated that it was not meant to include Territorial Governors. If the gentleman disapproved of the amounts now received, he wished that gentleman, as head, (to use a phrase of his own) of the "Indian Committee," would introduce a provision to fix and regulate their compensation.

Mr. Cocke explained.

Mr. Cook observed that the present case showed the impropriety of receiving statements from the departments which did not come before the House in an official form. The gentleman from Tennessee had produced some statements, but they were incomplete. Mr. C. had had personal opportunity of observing the performance of the duties by the Governor of a Territory, and he knew them to be difficult and perplexing. He referred to censures formerly cast on Governor Cass, the investigation which had ensued, and the complete vindication which was the result.

Mr. Cocke replied in a few words, and Mr. Cook rejoined.

Mr. Rich advocated, in a few observations, the propriety of the principle of the amendment, but thought it best not to insist on its insertion in the present bill.

The question was then taken on non-concurring with the Senate in their amendment, and decided in the negative—ayes 42, noes 90.

So the House concurred in the Senate's amendment, and refused to restore this clause to the bill.

The following amendment of the Senate being under consideration, viz: "for graduating and improving the ground near the President's house, within the enclosure, $2,000,"

Mr. Forsyth opposed it in a few words.

Mr. Cushman, of Maine, said, that it was not to be expected that the Committee on the Public Buildings could carry back their researches to the foundation of this city, in order to ascertain whether every dollar and cent appropriated had been laid out to the best advantage. The task was too arduous for any one committee to perform during a session of Congress. He questioned whether even the Committee on Foreign Relations, with all their commendable industry, and unwearied assiduity and talent, were able to perform so Herculean a labor.

There was a Committee on the Expenditures of the Public Buildings. It was the province of this committee to inquire whether the sums appropriated had been judiciously expended; to collect all useful information, and report it. With respect to the amendment, he could repeat what he had before said, that it was not of his seeking. The Senate introduced it of their own will and pleasure. They acted, he presumed, not without reason or due consideration. They took a survey of the whole ground. That honorable body had a Constitutional right to make the amendment. Decent respect was due to their opinions. Mr. C. called on gentlemen to view the public grounds, and say whether they did not need the improvements which the appropriation proposes to effect. The grounds attached to the President's house, in particular, were in a rough, uncouth, unsightly, chaotic state, and exhibited an appearance not very honorable to the taste and character of this nation. Much labor was required to level or graduate, to smooth and embellish them. He conceived that gentlemen would feel a pride and pleasure in giving to this little world of the nation's creation, proportion and comeliness. And what more noble displays could they make of their legislative wisdom and energy, than to give to that which is without form, and void, beauty, order, and harmony? It was not, he knew, in the power of this House to create all things out of nothing; but it would be a commendable effort, from chaos to form a regular system.

Mr. C. deemed it decorous, before he sat down, to reply to the worthy member from Tennessee, (Mr. SANDFORD,) who, on a former occasion, so pathetically appealed to the sympathies of this Committee. Whenever that honorable gentleman, said Mr. C., lifts up his voice, I always listen with pleasure, because I consider the worthy member a patriot indeed, in whom there is no guile. That gentleman seemed to consider it strange, and even a "reproach to this House," that, while we were voting liberal sums to improve our grounds and pave our foot-walks, a mere pittance should be refused to pay an advocate to plead the cause of the widow and the fatherless, and him who had no helper. For my part, said Mr. CUSHMAN, if this were a reproach, I had no share in it; I did not vote, neither do I believe I shall vote, against the appropriation. For, whatever reluctance he, Mr. C., might feel in considering human flesh and blood in the light of property, compensation was stipulated to the losers of this species by treaty; and he conceived the honor and faith of the nation to be pledged to the citizens to carry all its provisions strictly into effect. And, if it were necessary for the purpose to employ an attorney, or agent, or minister of subordinate grade, envoy extraordinary, or even an ambassador, he was willing to vote a salary. There is, said Mr. C., a wide difference in the two cases. The sums which we vote even to our useful officers not unfrequently perish in using, and the effect is unseen. Whereas, our grants to improve and embellish the city remain for a long time, to delight the eye, and to subserve purposes of utility and convenience.

While, therefore, we are sparing of our funds in the one case, in the other we may, with great propriety, be bountiful. This city, said he, is the rallying point of the nation; the centre of attraction—a bond of political union. He was ambitious to give it all the improvements and decorations becoming our Confederated Republic. And such was his zeal and enthusiasm, that he would cheerfully vote to diminish his own compensation to aid these desirable attainments.

Mr. FORSYTH replied, and stated his objection to be founded on the existence of an unexpended balance, which might be applied to the object, without any new specified grant.

Mr. WHIPPLE supported the amendment as necessary and proper. He described the state of the grounds referred to, &c.

The question being taken on non-concurring in the amendment of the Senate, it was decided in the affirmative—ayes 89, noes 55.

So the Senate's amendment was con-concurred in by the House.

Mr. HAMILTON offered the following as an amendment to the fifth amendment of the Senate:

> "And the sum of one thousand dollars for compensation to the agent or attorney, employed by the Secretary of State to arrange the testimony to be adduced to the Commission, under the Convention of St. Petersburg, for the purpose of ascertaining the average value of slaves taken by Great Britain at the close of the late war; which appointment is to continue until the average value has been fixed, and no longer; and the said compensation is not to extend beyond the time the said agent is actually employed, and, for the time he is so employed, his said compensation to be estimated at the rate of two thousand dollars per annum."

The Chairman pronounced the motion to be out of order.

Mr. ARCHER, to afford the gentleman an opportunity to have his amendment discussed, moved a reconsideration of the vote of this House on the Senate's fifth amendment of the bill.

Mr. HAMILTON explained the amendment he wished to introduce, and insisted on the value and necessity of the services of the agent; and the guards contained in the amendment against his receiving compensation without performing the service.

The question being put on reconsidering the vote of Saturday, it was decided in the negative.

The Committee then rose, and reported their concurrence in the first, second, third, sixth, seventh, and eighth amendments; their disagreement to the fourth; and reported the fifth with an amendment, as already severally stated.

The question being put in the House on concurring in the decisions of the Committee of the Whole, it was carried.

Mr. HAMILTON offered the same amendment he had moved in Committee of the Whole, modifying it so as to strike out the last sentence of it.

Mr. WILLIAMS, of North Carolina, objected to the amendment as still more objectionable than that from the Senate, in which the House had refused to concur.

Mr. HAMILTON further modified his amendment, (at the suggestion of Mr. RICH,) by striking out

"Secretary of State," and inserting "President of the United States."

Mr. **Forsyth** opposed the amendment on the grounds taken in the former debate on this subject.

Mr. **Foot** advocated it in a few words, and Mr. **McLane** added a correction in point of fact; when the question was taken by yeas and nays, on agreeing to the amendment—and stood as follows:

Yeas—Messrs. P. P. Barbour, Bassett, Bradley, Buchanan, Buckner, Burleigh, Cassedy, Crafts, Crowninshield, Cushman, Edwards of Pennsylvania, Farrelly, Foot of Connecticut, Fuller, Garnett, Gist, Govan, Gurley, Hamilton, Hayward, Hemphill, Holcombe, Jennings, Johnson of Virginia, J. T. Johnson, Kent, Lathrop, Lee, Leftwich, Lincoln, Livingston, McDuffie, Miller, Moore of Kentucky, Moore of Alabama, Neale, Nelson, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Poinsett, Reed, Rich, Rives, Rogers, Saunders, Sloane, William Smith, Spence, A. Stevenson, Tod, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Warfield, Wayne, Whittlesey, James Wilson, Wilson of South Carolina, and Wood—61.

Nays—Messrs. Abbot, Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Archer, Baylies, Barber of Connecticut, Bartley, Blair, Brent, Brown, Buck, Burton, Cambreleng, Campbell of Ohio, Carter, Cary, Clark, Cobb, Cocke, Collins, Condict, Conner, Craig, Culpeper, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Findlay, Floyd, Forsyth, Frost, Garrison, Gazlay, Hall, Harris, Harvey, Hayden, Henry, Herkimer, Hogeboom, Hooks, Isacks, Jenkins, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Litchfield, Livermore, Locke, Long, McArthur, McCoy, McKean, McKim, McLane of Delaware, Mangum, Markley, Martindale, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, O'Brien, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Rankin, Reynolds, Richards, Rose, Sandford, Scott, Sharpe, Sibley, Arthur Smith, Alexander Smyth, Spaight, Standefer, Sterling, Storrs, Swan, Taylor, Ten Eyck, Test, Thompson of Georgia, Thompson of Kentucky, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Whipple, Whitman, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, Henry Wilson, Wilson of Ohio, Woods, and Wright—113.

So the amendment of Mr. **Hamilton** was rejected.

The bill was then ordered to be returned to the Senate, with a message, announcing the decision on the amendment.

The engrossed bill to repeal an act entitled "An act for the relief of John B. Hogan," was read a third time, passed, and sent to the Senate for concurrence.

And then the House adjourned.

Tuesday, March 30.

Mr. **Kent**, from the Committee for the District of Columbia, to which was referred, on the 12th of January, 1824, a memorial of the Common Council of Alexandria, reported a bill further to amend the charter of the said town of Alexandria; which was read twice, and committed to a Committee of the Whole.

Mr. K., from the same committee, to which was referred, on the 12th of January, 1824 a memorial of the corporation of the city of Washington, reported a bill supplementary to the act to incorporate the inhabitants of the city of Washington, passed on the 15th of May, 1820; which was read twice, and committed to a Committee of the Whole.

Mr. K., from the same committee, to which was referred the bill from the Senate entitled "An act to amend an act entitled 'An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia," reported the same with amendments; which were read, and agreed to by the House, and the amendments were ordered to be engrossed, and the bill read a third time to-morrow.

Mr. **Crowninshield**, from the Committee on Naval Affairs, to which was committed the bill from the Senate, entitled "An act extending the term of pensions, granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty, on board the private armed ships of the United States during the war," reported the same with amendments; which were read, and the amendments ordered to be engrossed, and the bill read a third time to-morrow.

Mr. **Crowninshield**, from the same committee, to whom was referred a message from the President of the United States upon the subject, reported a bill to re-organize and fix the Naval Establishment of the United States; which was read twice, and committed to the Committee of the whole House on the state of the Union.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: 1st. An act for the relief of Charles Gwynn, of Baltimore; 2d. An act to authorize the settlement of the accounts of Benjamin Lincoln, and others; in which they ask the concurrence of this House.

The said bills were read twice, and committed; the *first* to the Committee of Claims; the *second* to the Committee on the Judiciary.

An engrossed bill, entitled "An act for the relief of Barbara Paulas," was read the third time, and passed.

Three Messages were received from the **President of the United States**, which were read, and are as follows:

FIRST.

To the House of Representatives of the United States:

I herewith transmit a report of the Secretary of War, together with a report from the Commissioner of the General Land Office, accompanied by the necessary documents, communicating the information heretofore requested by a resolution of the House, in relation to the salt springs, lead and copper mines, together with the probable value of each of them, and of the reservations attached to each; the extent to which they have been worked, the advantages and proximity of each to navigable waters, and the origin, nature, and extent of any claim made to them by individuals or companies; which reports contain all the information at present possessed on the subjects of the said resolution.

JAMES MONROE.

March 28, 1824.

The Message and accompanying documents were ordered to lie on the table.

SECOND.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 14th instant, requesting information whether an advance of compensation had been made to any of the Commissioners who had been appointed for the examination of the titles and claims to land in Florida, and by what authority such advance, if any, had been made, I transmit a report of the Secretary of State, which contains the information required.

JAMES MONROE.

March 30, 1824.

The Message and accompanying documents were ordered to lie on the table.

THIRD.

A Message enclosing certain papers enumerated in a report from the Secretary of War, relating to the compact between the United States and the State of Georgia, entered into in 1802.—[For this Message and Documents see debate, Senate proceedings of April 1, *ante.*]—Referred to a select committee. Mr. Forsyth, Mr. Cuthbert, Mr. McDuffie, Mr. Cobb, and Mr. Long, were appointed the committee.

THE TARIFF BILL.

The House then went into Committee of the Whole on the state of the Union, on the bill to amend the several acts laying duties on imports, Mr. Condict in the Chair.

Mr. Clay took the floor, about eleven o'clock, in reply to the speech of Mr. Barbour delivered on Friday, and in support of the general principles of the tariff bill. Mr. C. had not concluded, when at half-past three o'clock, he gave way to a motion for the Committee to rise; and the Committee rose.

Wednesday, March 31.

Mr. Wickliffe, from the committee to which was referred a Message from the President of the United States, communicating a report of engineers appointed to examine and survey the Ohio and Mississippi rivers, made a detailed report, accompanied by a bill appropriating money to assist the States of Kentucky and Ohio to open a canal around the falls of the river Ohio, at Louisville, in Kentucky; which was read twice, and committed to the Committee of the whole House to which is committed the bill to improve the navigation of the Ohio and Mississippi rivers.

Mr. Hamilton, from the Committee on Military Affairs, made a report on the petition of Jacob Slough, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

The bill from the Senate, entitled "An act to amend an act, entitled 'An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia," was read the third time, and passed with amendments.

The bill from the Senate, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty on board the private armed ships of the United States during the late war," was read the third time, and passed with amendments.

THE TARIFF BILL.

The House then went into Committee of the Whole on the bill to amend the several acts laying duties on imports, Mr. Condict in the Chair.

Mr. Clay concluded his remarks on the general principles of the tariff, which are given entire, as follows:

Mr. Chairman: The gentleman from Virginia (Mr. Barbour) has embraced the occasion produced by the proposition of the gentleman from Tennessee, to strike out the minimum price in the bill, on cotton fabrics, to express his sentiments at large on the policy of the pending measure; and it is scarcely necessary for me to say, that he has evinced his usual good temper, ability, and decorum. The parts of the bill are so intermingled and interwoven together, that there can be no doubt of the fitness of this occasion to exhibit its merits or its defects. It is my intention, with the permission of the Committee, to avail myself also of this opportunity, to present to its consideration those general views, as they appear to me, of the true policy of this country, which imperiously demand the passage of this bill. I am deeply sensible, Mr. Chairman, of the high responsibility of my present situation. But that responsibility inspires me with no other apprehension than that I shall be unable to fulfil my duty; with no other solicitude than that I may, at least, in some small degree, contribute to recall my country from the pursuit of a fatal policy, which appears to me inevitably to lead to its impoverishment and ruin. I do feel most awfully this responsibility; and, if it were allowable for us, at the present day, to imitate ancient examples, I would invoke the aid of the Most High. I would anxiously and fervently implore His divine assistance; that He would be graciously pleased to shower on my country His richest blessings; and that He would sustain, on this interesting occasion, the humble individual who stands before Him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.

Two classes of politicians divide the people of the United States. According to the system of one, the produce of foreign industry should be subjected to no other impost than such as may be necessary to provide a public revenue; and the produce of American industry should be left to sustain itself if it can, with no other than that incidental protection, in its competition, at home as well as abroad, with rival foreign articles. According to the system of the other class, whilst they agree that the imposts should be mainly, and may, under any modifications, be safely relied on as a fit and convenient source of public revenue, they would so adjust and arrange the duties on foreign fabrics as to afford a gradual but adequate protection to American industry, and lessen our dependance on foreign nations, by securing a certain, and, ultimately, a cheaper and better supply of our own wants from our own abundant resources. Both classes are equally sincere in their respective opinions, equally honest, equally patriotic, and desirous of advancing the prosperity of the country. In the discussion and consideration of these opposite opinions, for the purpose of ascertaining which has the support of truth and reason, we should, therefore, exercise every indulgence, and the greatest spirit of mutual moderation and forbearance. And, in our deliberations on this great question, we should look fearlessly and truly at the actual condition of the country, retrace the causes which have brought us into it, and snatch, if possible, a view of the future. We should, above all, consult experience—the experience of other nations as well as our own, as our truest and most unerring guide.

In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is, the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain, perishing in our barns and barn-yards for the want of a market; by the alarming diminution of the circulation medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by an universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors, and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty per cent. within a few years. This distress pervades every part of the Union, every class of society; all feel it, though it may be felt, at different places, in different degrees. It is like the atmosphere which surrounds us—all must inhale it, and none can escape it. In some places, it has burst upon our people without a single mitigating circumstance to temper its severity. In others, more fortunate, slight alleviations have been experienced, in the expenditure of the public revenue, and in other favoring causes. A few years ago, the planting interest consoled itself with its happy exemption; but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorized me to have thrown on deeper and darker hues. And it is the duty of the statesman, no less than that of the physician, to survey, with a penetrating, steady, and undismayed eye, the actual condition of the subject on which he would operate; to probe to the bottom the diseases of the body politic, if he would apply efficacious remedies. We have not, thank God, suffered in any great degree for food. But distress, resulting from the absence of a supply of the mere physical wants of our nature, is not the only, nor, perhaps, the keenest distress, to which we may be exposed. Moral and pecuniary suffering is, if possible, more poignant. It plunges its victim into hopeless despair. It poisons, it paralyzes, the spring and source of all useful exertion. Its unsparing action is collateral as well as direct. It falls with inexorable force, at the same time, upon the wretched family of embarrassment and insolvency, and upon its head. They are a faithful mirror, reflecting back upon him, at once, his own frightful image, and that, no less appalling, of the dearest objects of his affection. What is the *cause* of this wide-spreading distress, of this deep depression, which we behold stamped on the public countenance? We are the same people. We have the same country. We cannot arraign the bounty of Providence. The showers still fall in the same grateful abundance. The sun still casts his genial and vivifying influence upon the land; and the land, fertile and diversified in its soils as ever, yields to the industrious cultivator, in boundless profusion, its accustomed fruits, its richest treasures. Our vigor is unimpaired. Our industry has not relaxed. If ever the accusation of wasteful extravagance could be made against our people, it cannot now be justly preferred. They, on the contrary, for the few last years at least, have been practising the most rigid economy. The causes, then, of our present affliction, whatever they may be, are human causes, and human causes not chargeable upon the people, in their private and individual relations.

What, again I would ask, is the cause of the unhappy condition of our country, which I have faintly depicted? It is to be found in the fact that, during almost the whole existence of this Government, we have shaped our industry, our navigation, and our commerce, in reference to an extraordinary war in Europe, and to foreign markets, which no longer exist; in the fact that we have depended too much upon foreign sources of supply, and excited too little the native; in the fact that, whilst we have cultivated, with assiduous care, our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment. The consequence of the termination of the war of Europe has been the resumption of European commerce, European navigation, and the extension of European agriculture and European industry, in all its branches. Europe, therefore, has no longer occasion to any thing like the same extent as that which she had during her wars, for American commerce, American navigation, the produce of American industry. Europe in commotion, and convulsed throughout all her members, is to America no longer the same Europe as she is now, tranquil, and watching with the most vigilant attention all her own peculiar interests, without regard to the operation of her policy upon us. The effect of this altered state of Europe upon us has been to circumscribe the employment of our marine, and greatly to reduce the value of the produce of our territorial labor. The further effect of this twofold reduction has been to decrease the value of all property, whether on the land or on the ocean, and which I suppose to be about fifty per cent. And the still further effect has been to diminish the amount of our circulating medium, in a proportion not less by its transmission abroad, or its withdrawal by the banking institutions, from a necessity which they could not control. The quantity of money, in whatever form it may be, which a nation wants, is in proportion to the total mass of its wealth, and to the activity of that wealth. A nation that has but little wealth, has but a limited want of money. In stating the fact, therefore, that the total wealth of the country has diminished, within a few years, in a ratio of about fifty per cent., we shall at once fully comprehend the inevitable reduction which must have ensued in the total quantity of the circulating medium of the country. A nation is most prosperous when there is a gradual and untempting addition to the aggregate of its circulating medium. It is in a condition the most adverse, when there is a rapid diminution in the quantity of the circulating medium, and a consequent depression in the value of property. In the former case, the wealth of individuals insensibly increases, and income keeps ahead of expenditure. But, in the latter instance, debts have been contracted, engagements made, and habits of expense established, in reference to the existing state of wealth and of its representative. When these come to be greatly reduced, individuals find their debts still existing, their engagements unexecuted, and their habits inveterate. They see themselves in the possession of the same property on which, in good faith, they had bound themselves. But that property, without their fault, possesses no longer the same value; and hence, discontent, impoverishment, and ruin arise. Let us suppose, Mr. Chairman, that Europe was again the theatre of such a general war as recently raged throughout all her dominions—such a state of the war as existed in her greatest exertions and in our greatest prosperity—instantly there would arise a greedy demand for the surplus produce of our industry, for our commerce, for our navigation. The languor which now prevails in our cities, and in our seaports, would give way to an animated activity. Our roads and rivers would be crowded with the produce of the interior. Every where we should witness excited industry. The precious metals would reflow from abroad upon us. Banks, which have maintained their credit, would revive their business, and new banks would be established to take the place of those which have sunk beneath the general pressure; for, it is a mistake to suppose that they have produced our present adversity; they have somewhat aggravated it, but they were the effect and the evidence of our prosperity. Prices would again get up; the former value of property would be restored; and those embarrassed persons who have not been already overwhelmed by the times, would suddenly find, in the augmented value of their property, and the renewal of their business, ample means to extricate themselves from all their difficulties. The greatest want of civilized society is a market for the sale and exchange of the surplus of the produce of the labor of its members. This market may exist at home or abroad, or both, but it must exist somewhere, if society prospers; and wherever it does exist, it should be competent to the absorption of the entire surplus of production. It is most desirable that there should be both a home and a foreign market. But, with respect to their relative superiority, I cannot entertain a doubt. The home market is first in order, and paramount in importance. The object of the bill under consideration is to create this home market, and to lay the foundations of a genuine American policy. It is opposed; and it is incumbent upon the partisans of the foreign policy (terms which I shall use without any invidious intent) to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. But is it so? 1. Foreign nations cannot, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. The duplication of our population takes place in terms of about twenty-five years. The term will be more and more extended as our numbers multiply. But it will be a sufficient approximation to assume this ratio for the present. We increase, therefore, in population at the rate of about four per cent. per annum. Supposing the increase of our production to be in the same ratio, we should, every succeeding year, have, of surplus produce, four per cent. more than that of the preceding year, without taking into the account the differences of seasons which neutralize each other. If, therefore, we are to rely upon the foreign market exclusively, foreign consumption ought to be shown to be increasing in the same ratio of four per cent. per annum, if it be an adequate vent for our surplus produce. But, as I have supposed the measure of our increasing production to be furnished by that of our increasing population; so the measure of their power of consumption must be determined by that of the increase of their population. Now, the total foreign population, who consume our surplus produce, upon an average, do not double their aggregate number in a shorter term than that of about one hundred years. Our powers of production increase then in a ratio four times greater than their powers of consumption. And hence their utter inability to receive from us our surplus produce.

But, secondly; if they could, they will not. The policy of all Europe is adverse to the reception of our agricultural produce, so far as it comes into collision with its own; and, under that limitation, we are absolutely forbid to enter their ports, except under circumstances which deprive them of all value as a steady market. The policy of all Europe rejects those great staples of our country, which consist of objects of human subsistence. The policy of all Europe refuses to receive from us any thing but those raw materials of smaller value, essential to their manufactures, to which they can give a higher value, with the exception of tobacco and rice, which they cannot produce. Even Great Britain, to which we are its best customer, and from which we receive nearly one half in value of our whole imports, will not take from us articles of subsistence produced in our country cheaper than can be produced in Great Britain. In adopting this exclusive policy, the States of Europe do not inquire what is best for us, but what suits themselves, respectively; they do not take jurisdiction of the question of our interests, but limit the object of their legislation to that of the conservation of their own peculiar interests, leaving us free to prosecute ours as we please. They do not guide themselves by that romantic philanthropy, which we see displayed here, and which invokes us to continue to purchase the produce of foreign industry, without regard to the state or prosperity of our own, that foreigners may be pleased to purchase the few remaining articles of ours which their restrictive policy has not yet absolutely excluded from their consumption. What sort of a figure would a member of the British Parliament have made—what sort of a reception would his opposition have obtained, if he had remonstrated against the passage of the corn law, by which British consumption is limited to the breadstuffs of British production, to the entire exclusion of American, and stated that America could not, and would not, buy British manufactures, if Britain did not buy American flour?

Both the inability and the policy of foreign Powers, then, forbid us to rely upon the foreign market as being an adequate vent for the surplus produce of American labor. Now, let us see if this general reasoning is not fortified and confirmed by the actual experience of this country. If the foreign market may be safely relied upon as furnishing an adequate demand for our surplus produce, then the official document will show a progressive increase, from year to year, in the exports of our native produce, in a proportion equal to that which I have suggested. If, on the contrary, we shall find from them that, for a long term of past years, some of our most valuable staples have retrograded, some remained stationary, and others advanced but little, if any, in amount, with the exception of cotton, the deductions of reason and the lessons of experience will alike command us to withdraw our confidence in the competency of the foreign market. The total amount of all our exports of domestic produce for the year, beginning in 1795, and ending on the 30th September, 1796, was $40,764,097. Estimating the increase according to the ratio of the increase of our population, that is at four per cent. per annum, the amount of the exports of the same produce in the year ending on the 30th September last, ought to have been $85,420,861. It was in fact only $47,155,408. Taking the average of five years, from 1803 to 1807, inclusive, the amount of native produce exported was $43,202,751 for each of those years. Estimating what it ought to have been, during the last year, applying the principle suggested to that amount, there should have been exported $77,766,751, instead of $47,155,408. If these comparative amounts of the aggregate actual exports, and what they ought to have been, be discouraging, we shall find, on descending into particulars, still less cause of satisfaction. The export of tobacco in 1791 was 112,428 hogsheads. That was the year of the largest exportation of that article; but it is the only instance of which I have selected the maximum of exportation. The amount of what we ought to have exported last year, estimated according to the scale of increase which I have used, is 266,332 hogsheads. The actual export was 99,009 hogsheads. We exported in 1823 the quantity of 1,311,853 barrels of flour; and ought to have exported last year 2,361,333 barrels. We, in fact, exported only 756,702 barrels. Of that quantity we sent to South America 150,000 barrels, according to a statement furnished me by the diligence of a friend near me, (Mr. Poinsett,) to whose valuable mass of accurate information, in regard to that interesting quarter of the world, I have had occasion frequently to apply. But that demand is temporary, growing out of the existing state of war. Whenever peace is restored to it, and I now hope that the day is not distant when its independence will be generally acknowledged, there cannot be a doubt that it will supply its own consumption. In all parts of it, the soil, either from climate or elevation, is well adapted to the culture of wheat; and nowhere can better wheat be produced than in some portions of Mexico and Chili. Still the market of South America is one which, on other accounts, deserves the greatest consideration. And I congratulate you, the Committee, and the country, on the recent adoption of a more auspicious policy towards it.

We exported, in 1802, Indian corn to the amount of 2,074,608 bushels—the quantity should have been, in 1823, 3,734,288 bushels. The actual quantity exported was 749,034 bushels, or about one-fifth of what it should have been, and a little more than one-third of what it was more than twenty years ago. We ought not then to be surprised at the extreme depression of the price of that article, of which I have heard my honorable friend (Mr. Bassett) complain, nor of the distress of the corn-growing districts adjacent to Chesapeake bay. We exported 77,934 barrels of beef in 1803, and last year but 61,418, instead of 140,274 barrels. In the same year, (1803,) we exported 96,602 barrels of pork, and last year

55,529, instead of 173,882 barrels. Rice has not advanced, by any means, in the proportion which it ought to have done. All the small articles—such as cheese, butter, candles, &c., too minute to detail, but important in their aggregate—have also materially diminished. Cotton alone has advanced. But whilst the quantity of it is augmented, its actual value is considerably diminished. The total quantity last year exceeded that of the preceding year by near thirty millions of pounds. And yet the total value of the year of smaller exportation exceeded that of the last year by upwards of three and a half millions of dollars. If this article (the capacity of our country to produce which was scarcely known in 1790) were subtracted from the mass of our exports, the value of the residue would only be a little upwards of $27,000,000 during the last year. The distribution of the articles of our exports throughout the United States cannot fail to fix the attention of the Committee. Of the $47,155,408, to which they amounted last year, three articles alone—cotton, rice, and tobacco—composed together $28,549,177. Now, these articles are chiefly produced to the South. And if we estimate that portion of our population who are actually engaged in their culture, it would probably not exceed two millions. Thus, then, less than one-fifth of the whole population of the United States produced upwards of one-half—nearly two-thirds—of the entire value of the exports of the last year.

Is this foreign market, so incompetent at present, and which, limited as its demands are, operates so unequally upon the productive labor of our country, likely to improve in future? If I am correct in the views which I have presented to the Committee, it must become worse and worse. What can improve it? Europe will not abandon her own agriculture to foster ours. We may even anticipate that she will more and more enter into competition with us in the supply of the West India market. That of South America, for articles of subsistence, will probably soon vanish. The value of our exports, for the future, may remain at about what it was last year. But if we do not create some new market; if we persevere in the existing pursuits of agriculture; the inevitable consequence must be to augment greatly the quantity of our produce, and to lessen its value in the foreign market. Can there be a doubt on this point? Take the article of cotton, for example, which is almost the only article that now remunerates labor and capital. A certain description of labor is powerfully attracted towards the cotton-growing country. The cultivation will be greatly extended; the aggregate amount annually produced will be vastly augmented. The price will fall. The more unfavorable soils will then be gradually abandoned. And I have no doubt that, in a few years, it will cease to be profitably produced any where north of the thirty-fourth degree of latitude. But, in the mean time, large numbers of the cotton growers will suffer the greatest distress. And whilst this distress is brought upon our own country, foreign industry will be stimulated by the very cause which occasions our distress. For, by surcharging the markets abroad, the price of the raw material being reduced, the manufacturer will be able to supply cotton fabrics cheaper, and the consumption in his own country, and in foreign nations, other than ours, (where the value of the import must be limited to the value of the export, which I have supposed to remain the same,) being proportionably extended, there will be consequently an increased demand for the produce of his industry.

Our agricultural is our greatest interest. It ought ever to be predominant. All others should bend to it. And, in considering what is for its advantage, we should contemplate it in all its varieties, of planting, farming, and grazing. Can we do nothing to invigorate it? nothing to correct the errors of the past, and to brighten the still more unpromising prospects which lie before us? We have seen, I think, the causes of the distresses of the country. We have seen that an exclusive dependence upon the foreign market must lead to still severer distress, to impoverishment, to ruin. We must then change somewhat our course. We must give a new direction to some portion of our industry. We must speedily adopt a genuine American policy. Still cherishing a foreign market, let us create also a home market, to give further scope to the consumption of the produce of American industry. Let us counteract the policy of foreigners, and withdraw the support which we now give to their industry, and stimulate that of our own country. It should be a prominent object with wise legislators, to multiply the vocations and extend the business of society, as far as it can be done by the protection of our interests at home, against the injurious effects of foreign legislation. Suppose we were a nation of fishermen, or of skippers, to the exclusion of every other occupation, and the Legislature had the power to introduce the pursuits of agriculture and manufactures, would not our happiness be promoted by an exertion of its authority? All the existing employments of society, the learned professions, commerce, agriculture, are now overflowing. We stand in each other's way. Hence, the want of employment. Hence, the eager pursuit after public stations, which I have before glanced at. I have been again and again shocked, during this session, by instances of solicitation for places before the vacancies existed. The pulse of incumbents, who happen to be taken ill, is not marked with more anxiety by the attending physicians, than by those who desire to succeed them, though with very opposite feelings. Our old friend, the faithful sentinel, who has stood so long at our door, and the gallantry of whose patriotism deserves to be noticed, because it was displayed when that virtue was most rare and most wanted, on a memorable occasion, in this unfortunate city, became indisposed some weeks ago. The first intelligence which I had of his dangerous illness, was by an application for his unvacated place. I hastened to assure myself of the extent of his danger, and was happy to find that the eagerness of succession outstripped the progress of disease. By creating a new and extensive business, then, we should not only give employment to those who want it, and augment the sum of national wealth by all that this new business would create, but we should meliorate the condition of those who are now engaged in existing employments. In Europe, particularly in Great Britain, their large standing armies, large navies, large even on their peace arrangement, their established church, afford to their population employments which, in that respect, the happier constitution of our Government does not tolerate but in a very limited degree. The peace establishments of our Army and our Navy are extremely small, and I hope ever will be. We have no established church, and I trust never shall have. In proportion as the enterprise of our citizens in public employments is circumscribed, should we excite and invigorate it in private pursuits.

The creation of a home market is not only necessary to procure for our agriculture a just reward of its labors, but it is indispensable to obtain a supply of our necessary wants. If we cannot sell, we cannot buy. That portion of our population (and we have seen that it is not less than four-fifths) which makes comparatively nothing that foreigners will buy, has nothing to make purchases with from foreigners. It is in vain that we are told of the amount of our exports, supplied by the planting interest. They may enable the planting interest to supply all its wants; but they bring no ability to the interests not planting, unless, which cannot be pretended, the planting interest was an adequate vent for the surplus produce of the labor of all other interests. It is in vain to tantalize us with the greater cheapness of foreign fabrics. There must be an ability to purchase, if an article be obtained, whatever may be the price, high or low, at which it was sold. And a cheap article is as much beyond the grasp of him who has no means to buy, as a high one. Even if it were true that the American manufacturer would supply consumption at dearer rates, it is better to have his fabrics than the unattainable foreign fabrics; for it is better to be ill supplied than not supplied at all. A coarse coat, which will communicate warmth and cover nakedness, is better than no coat. The superiority of the home market results, 1st, from its steadiness and comparative certainty at all times; 2d, from the creation of reciprocal interests; 3d, from its greater security; and, lastly, from an ultimate and not distant augmentation of consumption, and, consequently, of comfort from increased quantity and reduced prices. But this home market, highly desirable as it is, can only be created and cherished by the protection of our own legislation against the inevitable prostration of our industry, which must ensue from the action of foreign policy and legislation. The effect and the value of this domestic care of our own interests will be obvious from a few facts and considerations. Let us suppose that half a million of persons are now employed abroad, in fabricating for our consumption those articles of which, by the operation of this bill, a supply is intended to be provided within ourselves. That half a million of persons are, in effect, subsisted by us; but their actual means of subsistence are drawn from foreign agriculture. If we could transport them to this country, and incorporate them in the mass of our own population, there would instantly arise a demand for an amount of provisions equal to that which would be requisite for their subsistence throughout the whole year. That demand, in the article of flour alone, would not be less than the quantity of about 900,000 barrels, besides a proportionate quantity of beef and pork, and other articles of subsistence. But 900,000 barrels of flour exceeded the entire quantity exported last year, by nearly 150,000 barrels. What activity would not this give? What cheerfulness would it not communicate to our now dispirited farming interest? But if, instead of these five hundred thousand artisans emigrating from abroad, we give, by this bill, employment to an equal number of our own citizens now engaged in unprofitable agriculture, or idle, from the want of business, the beneficial effect upon the productions of our farming labor would be nearly doubled. The quantity would be diminished by a subtraction of the produce from the labor of all those who should be diverted from its pursuits to manufacturing industry, and the value of the residue would be enhanced, both by that diminution and the creation of the home market to the extent supposed. And the honorable gentleman from Virginia may repress any apprehensions which he entertains, that the plough will be abandoned, and our fields remain unsown. For, under all the modifications of social industry, if you will secure to it a just reward, the greater attractions of agriculture will give to it that proud superiority which it has always maintained. If we suppose no actual abandonment of farming, but, what is most likely, a gradual and imperceptible employment of population in the business of manufacturing, instead of being compelled to resort to agriculture, the salutary effect would be nearly the same. Is any part of our common country likely to be injured by a transfer of the theatre of fabrication for our own consumption from Europe to America? All that those parts, if any there be, which will not, or cannot, engage in manufactures, should require, is, that their consumption should be well supplied; and if the objects of that consumption are produced in other parts of the Union that can manufacture, far from having, on that account, any just cause of complaint, their patriotism will and ought to inculcate a cheerful acquiescence in what essentially contributes, and is indispensably necessary, to the prosperity of the common family.

The great desideratum in political economy is the same as in private pursuits—that is, What is the best application of the aggregate industry of a nation, that can be made honestly to produce the largest sum of national wealth? Labor is the source of all wealth, but it is not natural labor only; and the fundamental error of the gentleman from Virginia, and of the school to which he belongs, in adducing, from our sparse population, our unfitness for the introduction of the arts, consists in their not sufficiently weighing the importance of the power of machinery. In former times, when but little comparative use was made of machinery, manual labor and the price of wages were circumstances of the greatest consideration. But it is far otherwise in these latter times. Such are the improvements and the perfections in machinery, that, in analyzing the compound value of many fabrics, the element of natural labor is so inconsiderable as almost to escape detection. This truth is demonstrated by many facts. Formerly, Asia, in consequence of the density of her population, and the consequent lowness of wages laid Europe under tribute for many of her fabrics. Now Europe reacts upon Asia, and Great Britain, in particular, throws back upon her countless millions of people the rich treasures produced by artificial labor, to a vast amount, infinitely cheaper than they can be manufactured by the natural exertions of that portion of the globe. But Britain is herself the most striking illustration of the immense power of machinery. Upon what other principle can you account for the enormous wealth which she has accumulated, and which she annually produces? A statistical writer of that country, several years ago, estimated the total amount of the artificial or machine labor of the nation to be equal to that of one hundred millions of able-bodied laborers. Subsequent estimates of her artificial labor, at the present day, carry it to the enormous height of two hundred millions. But the population of the Three Kingdoms is 21,500,000. Supposing that to furnish able-bodied labor to the amount of 4,000,000, the natural labor will be but two per cent. of the artificial labor. In the production of wealth, she operates, therefore, by a power (including the whole population) of 221,500,000; or, in other words, by a power eleven times greater than the total of her natural power. If we suppose the machine labor of the United States to be equal to that of 10,000,000 of able-bodied men, the United States will operate, in the creation of wealth, by a power (including all their population) of 20,000,000. In the creation of wealth, therefore, the power of Great Britain, compared to that of the United States, is as eleven to one. That these views are not imaginary, will be, I think, evinced, by contrasting the wealth, the revenue, the power, of the two countries. Upon what other hypothesis can we explain those almost incredible exertions which Britain made during the late wars of Europe? Look at her immense subsidies! Behold her, standing unaided and alone, breasting the storm of Napoleon's colossal power, when all continental Europe owned and yielded to its irresistible sway; and, finally, contemplate her vigorous prosecution of the war, with and without allies, to its splendid termination, on the ever-memorable field of Waterloo.

The British works which the gentleman from Virginia has quoted, portray a state of the most wonderful prosperity, in regard to wealth and resources, that ever was before contemplated. Let us look a little into the semi-official pamphlet, written with great force, clearness, and ability, and the valuable work of Lowe, to both of which that gentleman has referred. The revenue of the United Kingdom amounted, during the latter years of the war, to seventy millions of pounds sterling; and one year it rose to the astonishing height of ninety millions sterling, equal to four hundred millions of dollars. This was actual revenue, made up of real contributions from the purses of the people. After the close of the war, Ministers slowly and reluctantly reduced the military and naval establishments, and accommodated them to a state of peace. The pride of power, every where the same, always unwillingly surrenders any of those circumstances which display its pomp and exhibit its greatness. Contemporaneous with this reduction, Britain was enabled to lighten some of the heaviest burdens of taxation, and particularly that most onerous of all, the income tax. In this lowered state, the revenue of peace, gradually rising from the momentary depression incident to a transition from war, attained, in 1822, the vast amount of fifty-five millions sterling, upwards of two hundred and forty millions of dollars, and more than eleven times that of the United States for the same year; thus indicating the difference, which I have suggested, in the respective productive powers of the two countries. The excise alone, collected under twenty-five different heads, amounted to twenty-eight millions, more than one-half of the total revenue of the Kingdom. This great revenue allows Great Britain to constitute an efficient sinking fund of five millions sterling, being an excess of actual income beyond expenditure, and amounting to more than the entire revenue of the United States.

If we look at the commerce of England, we shall perceive that its prosperous condition no less denotes the immensity of her riches. The average of three years' exports, ending in 1789, was between thirteen and fourteen millions. The average for the same term, ending in 1822, was forty millions sterling. The average of the imports for three years, ending in 1789, was seventeen millions. The average for the same term, ending in 1822, was thirty-six millions, showing a favorable balance of four millions. Thus, in a period not longer than that which has elapsed since the establishment of our Constitution, have the exports of that Kingdom been tripled; and this has mainly been the effect of the power of machinery. The total amount of the commerce of Great Britain is greater since the peace, by one-fourth, than it was during the war. The average of her tonnage, during the most flourishing period of the war, was two million four hundred thousand tons. Its average, during the three years 1819, 1820, and 1821, was 2,600,000, exhibiting an increase of 200,000 tons. If we glance at some of the more prominent articles of her manufactures, we shall be assisted in comprehending the true nature of the sources of her riches. The amount of cotton fabrics exported, in the most prosperous year of the war, was eighteen million sterling. In the year 1820, it was 16,600,000; in 1821, 20,150,000; in 1822, 21,-

639,000 pounds sterling; presenting the astonishing increase in two years of upwards of five millions. The total amount of imports in Great Britain from all foreign parts, of the article of cotton wool, is five millions sterling. After supplying most abundantly the consumption of cotton fabrics within the country (and a people better fed, and clad, and housed, are not to be found under the sun than the British nation) by means of her industry, she gives to this cotton wool a new value, which enables her to sell to foreign nations to the amount of £21,639,000, making a clear profit of upwards of 16,500,000 pounds sterling! In 1821, the value of the export of woollen manufactures was £4,300,000. In 1822, it was 5,500,000. The success of her restrictive policy is strikingly illustrated in the article of silk. In the manufacture of that article she labors under great disadvantages, besides that of not producing the raw material. She has subdued them all, and the increase of the manufacture has been most rapid. Although she is still unable to maintain, in foreign countries, a successful competition with the silks of France, of India, and of Italy, and, therefore, exports but little, she gives to the two millions of the raw material which she imports, in various forms, a value of ten millions, which chiefly enter into British consumption. Let us suppose that she was dependent upon foreign nations for these ten millions, what an injurious effect would it not have upon her commercial relations with them! The average of the exports of British manufactures during the peace exceeds the average of the most productive years of the war. The amount of her wealth annually produced is three hundred and fifty million sterling, bearing a large proportion to all of her pre-existing wealth. The agricultural portion of it is said by the gentleman from Virginia, to be greater than that created by any other branch of her industry. But that flows mainly from a policy similar to that proposed by this bill. One-third only of her population is engaged in agriculture; the other two-thirds furnishing a market for the produce of that third. Withdraw this market, and what becomes of her agriculture? The power and the wealth of Great Britain cannot be more strikingly illustrated than by a comparison of her population and revenue with those of other countries and with our own. [Here Mr. C. exhibited the following table, from authentic materials:]

	Population.	Taxes and public burdens.	Taxes per capita.
Russia in Europe	37,000,000	£18,000,000	£0 9 9
France including Corsica - -	30,700,000	37,000,000	1 4 0
Great Britain, exclusive of Ireland, (the taxes computed according to val'e of money on the European continent)	14,500,000	40,000,000	2 15 0
Great Britain and Ireland, collectively,	21,500,000	44,000,000	2 0 0
England alone -	11,600,000	£36,000,000	£3 2 0
Spain - -	11,000,000	6,000,000	0 11 0
Ireland - -	7,000,000	4,000,000	0 11 0
The United Stat's of America,	10,000,000	4,500,000	0 9 0

From this exhibit, we must remark, that the wealth of Great Britain (and, consequently, her power) is greater than that of any of the other nations with which it is compared. The amount of the contributions which she draws from the pockets of her subjects is not referred to for imitation, but as indicative of their wealth. The burden of taxation is always relative to the ability of the subjects of it. A poor nation can pay but little. And the heavier taxes of British subjects, for example, in consequence of their great wealth, may be easier borne than the much lighter taxes of Spanish subjects, in consequence of their extreme poverty. The object of wise Governments should be, by sound legislation so to protect the industry of their own citizens against the policy of foreign Powers as to give to it the most expansive force in the production of wealth. Great Britain has ever acted, and still acts, on this policy. She has pushed her protection of British interest further than any other nation has fostered its industry. The result is, greater wealth among her subjects, and consequently, greater ability to pay their public burdens. If their taxation is estimated by their *natural* labor alone, nominally it is greater than the taxation of the subjects of any other Power. But if, on a scale of their natural and artificial labor compounded, it is less than the taxation of any other people. Estimating it on that scale, and assuming the aggregate of the natural and artificial labor of the United Kingdom to be what I have already stated, 221,500,000, the actual taxes paid by a British subject are only about three and seven-pence sterling. Estimating our own taxes on a similar scale—that is, supposing both descriptions of labor to be equal to that of 20,000,000 of able bodied persons—the amount of tax paid by each soul in the United States is 4*s.* 6*d.* sterling.

The Committee will observe, from that table, that the measure of the wealth of a nation is indicated by the measure of its protection of its industry; and that the measure of the poverty of a nation is marked by that of the degree in which it neglects and abandons the care of its own industry, leaving it exposed to the action of foreign Powers. Great Britain protects most her industry, and the wealth of Great Britain is consequently the greatest. France is next in the degree of protection, and France is next in the order of wealth. Spain most neglects the duty of protecting the industry of her subjects, and Spain is one of the poorest of European nations. Unfortunate Ireland! disinherited, or rendered, in her industry, subservient to England, is exactly in the same state of poverty with Spain, measured by the rule of taxation. And the United States are still poorer than either.

The views of British prosperity which I have endeavored to present, show that her protecting policy is adapted alike to a state of war and of peace. Self-poised, resting upon her own internal resources, possessing a home market carefully cherished and guarded, she is ever prepared for any emergency. We have seen her coming out of a war of incalculable exertion, and of great duration, with her power unbroken, her means undiminished. We have see that almost every revolving year of peace has brought along with it an increase of her manufactures, of her commerce, and, consequently, of her navigation. We have seen that, constructing her prosperity upon the solid foundation of her own protecting policy, it is unaffected by the vicissitudes of other States. What is our own condition? Depending upon the state of foreign Powers—confiding exclusively in a foreign, to the culpable neglect of a domestic policy, our interests are affected by all their movements. Their wars, their misfortunes, are the only source of our prosperity. In their peace, and our peace, we behold our condition the reverse of that of Great Britain, and all our interests stationary or declining. Peace bring to us none of the blessings of peace. Our system is anomalous; alike unfitted to general tranquillity, and to a state of war or peace on the part of our own country. It can succeed only in the rare occurrence of a general state of war throughout Europe. I am no eulogist of England. I am far from recommending her systems of taxation. I have adverted to them only as manifesting her extraordinary ability. The political and foreign interests of that nation may have been, as I believe them to have been, often badly managed. Had she abstained from the wars into which she has been plunged by her ambition, or the mistaken policy of her Ministers, the prosperity of England would, unquestionably, have been much greater. But it may happen that the public liberty, and the foreign relations of a nation, have been badly provided for, and yet its political economy has been wisely managed. The alacrity or sullenness with which a people pay taxes depends upon their wealth or poverty. If the system of their rulers leads to their impoverishment, they can contribute but little to the necessities of the State; if to their wealth, they cheerfully and promptly pay the burdens imposed on them. Enormous as British taxation appears to be in comparison with that of other nations, but really lighter as it, in fact, is, when we consider its great wealth, and its powers of production, that vast amount is collected with the most astonishing regularity. [Here Mr. CLAY read certain passages from Holt, showing that, in 1822, there was not a solitary prosecution arising out of the collection of the assessed taxes, which are there considered among the most burdensome, and that the prosecution of violations of the excise laws, in all its numerous branches, were sensibly and progressively decreasing.]

Having called the attention of the Committee to the present adverse state of our country, and endeavored to point out the causes which have led to it; having shown that similar causes, wherever they exist in other countries, lead to the same adversity in their condition; and having shown that, wherever we find opposite causes prevailing, a high and animating state of national prosperity exists, the Committee will agree with me in thinking that it is the solemn duty of Government to apply a remedy to the evils which afflict our country, if it can apply one. Is there no remedy within the reach of the Government? Are we doomed to behold our industry languish and decay yet more and more? But there is a remedy, and that remedy consists in modifying our foreign policy, and in adopting a genuine American system. We must naturalize the arts in our country, and we must naturalize them by the only means which the wisdom of nations has yet discovered to be effectual—by adequate protection against the otherwise overwhelming influence of foreigners. This is only to be accomplished by the establishment of a tariff, to the consideration of which I am now brought.

And what is this tariff? It seems to have been regarded as a sort of monster, huge and deformed; a wild beast, endowed with tremendous powers of destruction, about to be let loose among our people, if not to devour them, at least to consume their substance. But let us calm our passions, and deliberately survey this alarming, this terrific being. The sole object of the tariff is to tax the produce of foreign industry, with the view of promoting American industry. The tax is exclusively levelled at foreign industry. That is the avowed and the direct purpose of the tariff. If it subjects any part of American industry to burdens, that is an effect not intended, but is altogether incidental, and perfectly voluntary.

It had been treated as an imposition of burdens upon one part of the community by design for the benefit of another; as if, in fact, money were taken from the pockets of one portion of the people and put into the pockets of another. But, is that a fair representation of it? No man pays the duty assessed on the foreign article by compulsion, but voluntarily; and this voluntary duty, if paid, goes into the common exchequer, for the common benefit of all. Consumption has four objects of choice. 1. It may abstain from the use of the foreign article, and thus avoid the payment of the tax. 2. It may employ the rival American fabric. 3. It may engage in the business of manufacturing, which this bill is designed to foster. 4. Or it may supply itself from the household manufactures. But, it is said by the honorable gentleman from Virginia, that the South, owing to the character of a certain portion of its population, cannot engage in the business of manufacturing. Now, I do not agree in that opinion to the extent in which it is asserted. The circumstance alluded to may disqualify the South from engaging in every branch of manufacture as largely as other quarters of the Union, but to some branches of it that part of our population is well adapted. It indisputably affords great facility in the household or domestic line.

But, if the gentleman's premises were true, could his conclusion be admitted? According to him, a certain part of our population, happily much the smallest, is peculiarly situated. The circumstance of its degradation unfits it for the manufacturing arts. The well being of the other, and the larger part of our population, requires the introduction of those arts. What is to be done in this conflict? The gentleman would have us abstain from adopting a policy called for by the interests of the greater and freer part of our population. But is that reasonable? Can it be expected that the interests of the greater part should be made to bend to the condition of the servile part of our population? That, in effect would be to make us the slaves of slaves. I went, with great pleasure, along with my Southern friends, and I am ready again to unite with them in protesting against the exercise of any legislative power, on the part of Congress, over that delicate subject, because it was my solemn conviction, that Congress was interdicted, or at least not authorized, by the Constitution to exercise any such legislative power. And I am sure, that the patriotism of the South may be exclusively relied upon to reject a policy which should be dictated by considerations altogether connected with that degraded class, to the prejudice of the residue of our population. But, does not a perseverance in the foreign policy, as it now exists, in fact, make all parts of the Union, not planting, tributary to the planting parts? What is the argument? It is, that we must continue freely to receive the produce of foreign industry, without regard to the protection of American industry, that a market may be retained for the sale abroad of the produce of the planting portion of the country; and that, if we lessen the consumption, in all parts of America, those which are not planting, as well as the planting sections of foreign manufactures, we diminish to that extent the foreign market for the planting produce. The existing state of things, indeed, presents a sort of tacit compact between the cotton grower and the British manufacturer, the stipulations of which are, on the part of the cotton grower, that the whole of the United States, the other portions as well as the cotton growing, shall remain open and unrestricted in the consumption of British manufactures; and, on the part of the British manufacturer, that, in consideration thereof, he will continue to purchase the cotton of the South.

Thus, then, we perceive that the proposed measure, instead of sacrificing the South to the other parts of the Union, seeks only to preserve them from being absolutely sacrificed under the operation of the tacit compact which I have described. Supposing the South to be actually incompetent, or disinclined to embark at all in the business of manufacturing, is not its interest, nevertheless, likely to be promoted by creating a new and an American source of supply for its consumption? Now foreign Powers, and Great Britain principally, have the monopoly of the supply of Southern consumption. If this bill should pass, an American competitor in the supply of the South would be raised up, and ultimately, I cannot doubt, that it would be supplied cheaper and better. I have before had occasion to state, and will now again mention, the beneficial effects of American competition with Europe, in furnishing a supply of the article of cotton bagging. After the late war, the influx of the Scottish manufacture prostrated the American establishments. The consequence was, that the Scotch possessed the monopoly of the supply; and the price of it rose, and attained the year before the last a height which amounted to more than an equivalent for ten years' protection to the American manufacture. This circumstance tempted American industry again to engage in the business, and several valuable manufactories have been established in Kentucky. They have reduced the price of the fabric very considerably; but, without the protection of Government, they may be again prostrated—and then the Scottish manufacturer, engrossing the supply of our consumption, the price will probably again rise. It has been tauntingly asked, if Kentucky cannot maintain herself in a competition with the two Scottish towns of Inverness and Dundee? But is that a fair statement of the case? Those two towns are cherished and sustained by the whole protecting policy of the British empire, whilst Kentucky cannot, and the General Government will not, extend a like protection to the few Kentucky villages in which the article is made.

If the cotton growing consumption could be constitutionally exempted from the operation of this bill, it might be fair to exempt it upon the condition that foreign manufactures, the proceeds of the sale of cotton abroad, should not enter at all into the consumption of the other parts of the United States. But such an arrangement as that, if it could be made, would probably be objected to by the cotton growing country itself.

2. The second objection to the proposed bill is, that it will diminish the amount of our exports. It can have no effect upon our exports, except those which are sent to Europe. Except tobacco and rice, we send there nothing but the raw materials. The argument is, that Europe will not buy of us if we do not buy of her. The first objection to it is, that it calls upon us to look to the question, and take care of European ability in legislating for American interests. Now, if, in legislating for their interests, they would consider and provide for our ability, the principle of reciprocity would enjoin us so to regulate our intercourse with them, as to leave their ability unimpaired. But I have shown that, in the adoption of their own policy, their inquiry is strictly limited to a consideration of their peculiar interests, without any regard to that of ours. The next remark I would make is, that the bill only operates upon certain articles of European industry, which, it is supposed, our interest requires us to manufacture within ourselves; and, although its effect will be to diminish the amount of our imports of those articles, it leaves them free to supply us with any other produce of their industry. And, since the circle of human comforts, refinements, and luxuries, is of great extent, Europe will still find herself able to purchase from us what she has hitherto done, and to discharge the debt in some of those objects. If there be any diminution in our exports to Europe, it will probably be in the article of cotton to Great Britain. I have stated that Britain buys cotton wool to the amount of about five millions sterling, and sells to foreign

States to the amount of upwards of twenty-one millions and a half. Of this sum, we take a little upwards of a million and a half. The residue, of about twenty millions, she must sell to other foreign Powers than the United States. Now their market will continue open to her, as much after the passage of this bill as before. She will therefore require from us the raw material to supply their consumption. But, it is said, she may refuse to purchase it of us, and seek a supply elsewhere. There can be but little doubt that she now resorts to us, because we can supply her cheaper and better than any other country. And it would be unreasonable to suppose that she would cease, from any pique towards us, to pursue her own interest. Suppose she was to decline purchasing from us: The consequence would be, that she would lose the market for the twenty millions sterling which she now sells other foreign Powers, or enter into it under a disadvantageous competition with us, or with other nations, who should obtain their supplies of the raw material from us. If there should be any diminution, therefore, in the exportation of cotton, it would only be in the proportion of about one and a half to twenty, that is, a little upwards of five per cent.; the loss of a market for which, abroad, would be fully compensated by the market for the article created at home. Lastly, I would observe, that the new application of our industry, producing new objects of exportation, and they possessing much greater value than in the raw state, we should be in the end amply indemnified, by their exportation. Already the item in our foreign exports of manufactures is considerable; and we know that our cotton fabrics have been recently exported, in a large amount, to South America, where they maintain a successful competition with those of any other country.

3. The third objection to the tariff is, that it will diminish our navigation. This great interest deserves every encouragement consistent with the paramount interest of agriculture. In the order of nature it is secondary to both agriculture and manufactures. Its business is the transportation of the productions of those two superior branches of industry. It cannot therefore be expected that they shall be moulded or sacrificed to suit its purposes; but, on the contrary, navigation must accommodate itself to the actual state of agriculture and manufactures. If, as I believe, we have nearly reached the maximum in value of our exports of raw produce to Europe, the effect hereafter will be, as it respects that branch of our trade, if we persevere in the foreign system, to retain our navigation at the point it has now reached. By reducing, indeed, as will probably take place, the price of our raw materials, a further quantity of them could be exported, and of course additional employment might in that way be given to our tonnage; but that would be at the expense of the agricultural interest. If I am right in supposing that no effect will be produced by this measure upon any other branch of our export trade but that to Europe; that with regard to that there will be no sensible diminution of our exports, and that the new direction given to a portion of our industry will produce other objects of exportation, the probability is, that our foreign tonnage will be even increased under the operation of this bill. But, if I am mistaken in these views, and it should experience any reduction, the increase of our coasting tonnage, resulting from the greater activity of domestic exchanges, will more than compensate the injury. Although our navigation partakes in the general distress of the country, it is less depressed than any other of our great interests. The foreign tonnage has been gradually, though slowly, increasing since 1818. And our coasting tonnage since 1816 has increased upwards of one hundred thousand tons.

4. It is next contended that the effect of the measure will be to diminish our foreign commerce. The objection assumes, what I have endeavored to controvert, that there will be a reduction in the value of our exports. Commerce is an exchange of commodities. Whatever will tend to augment the wealth of a nation must increase its capacity to make these exchanges. By new productions, or creating new values in the fabricated forms which shall be given to old objects of our industry, we shall give to commerce a fresh spring, a new aliment. The foreign commerce of the country, from causes, some of which I have endeavored to point out, has been extended as far as it can be. And I think there can be but little doubt that the balance of trade is, and for some time past has been, against us. I was surprised to hear the learned gentleman from Massachusetts, (Mr. WEBSTER,) rejecting, as an exploded fallacy, the idea of a balance of trade. I have not time nor inclination now to discuss that topic. But I will observe, that all nations act upon the supposition of the reality of its existence, and seek to avoid a trade the balance of which is unfavorable, and to foster that which presents a favorable balance. However the account be made up, whatever may be the items of a trade, commodities, fishing industry, marine labor, the carrying trade, all of which, I admit, should be comprehended, there can be no doubt, I think, that the totality of the exchanges of all descriptions made by one nation with another, or against the totality of the exchanges of all other nations together, may be such as to present the state of an unfavorable balance with the one or with all. It is true that, in the long run, the measures of these exchanges, that is, the totality in value of what is given and of what is received, must be equal to each other. But the great distress may be felt long before the counterpoise can be effected. In the mean time there will be an export of the precious metals, to the deep injury of internal trade, an unfavorable state of exchange, an export of public securities, a resort to credit, debt, mortgages. Most of, if not all, these circumstances, are believed now to be indicated by our country, in its foreign commercial relations. What have we received, for example, for the public stocks sent to England? Goods. But those stocks are our bond, which must be paid. Although the solidity of the credit of the English public securities is not surpassed by that of our own,

strong as it justly is, when have we seen English stocks sold in our market, and regularly quoted in the prices current, as American stocks are in England? An unfavorable balance with one nation *may* be made up by a favorable balance with other nations; but the fact of the existence of that unfavorable balance is strong presumptive evidence against the trade. Commerce will regulate itself! Yes, and the extravagance of a spendthrift heir, who squanders the rich patrimony which has descended to him, will regulate itself ultimately. But it will be a regulation which will exhibit him in the end safely confined within the walls of a jail. Commerce will regulate itself! But is it not the duty of wise Governments to watch its course, and, beforehand, to provide against even distant evils; by prudent legislation stimulating the industry of their own people, and checking the policy of foreign Powers as it operates on them? The supply, then, of the subjects of foreign commerce, no less than the supply of consumption at home, requires of us to give a portion of our labor such a direction as will enable us to produce them. That is the object of the measure under consideration, and I cannot doubt that, if adopted, it will accomplish its object.

5. The fifth objection to the tariff is, that it will diminish the public revenue, disable us from paying the public debt, and finally compel a resort to a system of excise and internal taxation. This objection is founded upon the supposition that the reduction in the importation of the subjects, on which the increased duties are to operate, will be such as to produce the alleged effect. All this is matter of mere conjecture, and can only be determined by experiment. I have very little doubt, with my colleague, (Mr. Trimble,) that the revenue will be increased considerably, for some years at least, under the operation of this bill. The diminution in the quantity imported will be compensated by the augmentation of the duty. In reference to the article of molasses, for example, if the import of it should be reduced fifty per cent., the amount of duty collected would be the same as it now is. But it will not, in all probability, be reduced by any thing like that proportion. And then there are some other articles which will continue to be introduced in as large quantities as ever, notwithstanding the increase of duty—the object in reference to them being revenue, and not the encouragement of domestic manufactures. Another cause will render the revenue of this year, in particular, much more productive than it otherwise would have been; and that is, that large quantities of goods have been introduced into the country, in anticipation of the adoption of this measure. The eagle does not dart a keener gaze upon his intended prey, than that with which the British manufacturer and merchant watches the foreign market, and the course even of our elections as well as our legislation. The passage of this bill has been expected; and all our information is, that the importations, during this Spring, have been immense. But, further, the measure of our importations is that of our exportations. If I am right in supposing that, in future, the amount of these, in the old or new forms of the produce of our labor, will not be diminished, but probably increased, then the amount of our importations, and, consequently, of our revenue, will not be reduced, but may be extended. If these ideas be correct, there will be no inability on the part of the Government to extinguish the public debt. The payment of that debt, and the consequent liberation of the public resources from the charge of it, is extremely desirable. No one is more anxious than I am to see that important object accomplished. But I entirely concur with the gentleman from Virginia (Mr. Barbour) in thinking that no material sacrifice of any of the great interests of the nation ought to be made to effectuate it. Such is the elastic and accumulating nature of our public resources, from the silent augmentation of our population, that if, in any given state of the public revenue, we throw ourselves upon a couch and go to sleep, we may, after a short time, awake with an ability abundantly increased to redeem any reasonable amount of public debt with which we may happen to be burdened. The public debt of the United States, though nominally larger now than it was in the year 1791, bears really no sort of discouraging comparison to its amount, at that time, whatever standard we may choose to adopt to institute the comparison. It was, in 1791, about seventy-five millions of dollars. It is now about ninety. Then we had a population of about four millions. Now we have upwards of ten millions. Then we had a revenue short of five millions of dollars. Now our revenue exceeds twenty. If we select population as the standard, our present population is one hundred and fifty per cent. greater than it was in 1791; if revenue, that is four times more now than at the former period; whilst the public debt has increased only in a ratio of twenty per cent. A public debt of three hundred millions of dollars, at the present day, considering our actual ability, compounded both of the increase of population and of revenue, would not be more onerous now than the debt of seventy-five millions of dollars was, at the epoch of 1791, in reference to the same circumstances. If I am right in supposing that, under the operation of the proposed measure, there will not be any diminution, but a probable increase of the public revenue, there will be no difficulty in defraying the current expenses of Government, and paying the principal as well as the interest of the public debt, as it becomes due. Let us, for a moment, however, indulge the improbable supposition of the opponents of the tariff, that there will be a reduction of the revenue to the extent of the most extravagant calculation which has been made—that is to say, to the extent of five millions. That sum deducted, we shall still have remaining a revenue of about fifteen millions. The Treasury estimates of the current service of the years 1822, 1823, and 1824, exceeds, each year, nine millions. The lapse of Revolutionary pensions, and judicious retrenchments which might be made, without detriment to any of the essential establishments of the country, would probably

reduce them below nine millions of dollars. Let us assume that sum, to which add above five millions and a half for the interest of the public debt, and the wants of Government would require a revenue of fourteen and a half millions, leaving a surplus of revenue of half a million beyond the public expenditure. Thus, by a postponement of the payment of the principal of the public debt, in which the public creditors would gladly acquiesce, and confiding, for the means of redeeming it, in the necessary increase of our revenue from the natural augmentation of our population and consumption, we may safely adopt the proposed measure, even if it should be attended (which is confidently denied) with the supposed diminution of revenue. We shall not then have occasion to vary the existing system of taxation; we shall be under no necessity to resort either to direct taxes or to an excise. But suppose the alternative were really forced upon us of continuing the foreign system, with its inevitable impoverishment of the country, but with the advantage of the present mode of collecting the taxes, or of adopting the American system, with its increase of the national wealth, but with the disadvantage of an excise, could any one hesitate between them? Customs and an excise agree in the essential particulars, that they are both taxes upon consumption, and both are voluntary. They differ only in the mode of collection. The office for the collection of one is located on the frontier, and that for the other within the interior. I believe it was Mr. Jefferson, who, in reply to the boast of a citizen of New York, of the amount of the public revenue paid by that city, asked who would pay it if the collector's office were removed to Paulus Hook, on the New Jersey shore? National wealth is the source of all taxation. And, my word for it, the people are too intelligent to be deceived by mere names, and not to give a decided preference to that system which is based upon their wealth and prosperity, rather than to that which is founded upon their impoverishment and ruin.

6. But, according to the opponents of the domestic policy, the proposed system will force capital and labor into new and reluctant employments; we are not prepared, in consequence of the high price of wages, for the successful establishment of manufactures, and we must fail in the experiment. We have seen that the existing occupations of our society, those of agriculture, commerce, navigation, and the learned professions, are overflowing with competitors, and that the want of employment is severely felt. Now what does this bill propose? To open a new and extensive field of business, in which all that choose may enter. There is no compulsion upon any one to engage in it. An option only is given to industry, to continue in the present unprofitable pursuits, or to embark in a new and promising one. The effect will be to lessen the competition in the old branches of business, and to multiply our resources for increasing our comforts and augmenting the national wealth. The alleged fact of the high price of wages is not admitted. The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able-bodied men vary from five to eight dollars per month; and such has been the want of employment, in some parts of the Union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different. I agree with the honorable gentleman from Virginia, that high wages are a proof of national prosperity; we differ only in the means by which that desirable end shall be attained. But, if the fact were true, that the wages of labor are high, I deny the correctness of the argument founded upon it. The argument assumes, that natural labor is the principal element in the business of manufacture. That was the ancient theory. But the valuable inventions and vast improvements in machinery, which have been made within a few years past, have produced a new era in the arts. The effect of this change in the powers of production may be estimated from what I have already stated in relation to England, and to the triumphs of European artificial labor over the natural labor of Asia. In considering the fitness of a nation for the establishment of manufactures, we must no longer limit our views to the state of its population, and the price of wages. All circumstances must be regarded, of which that is, perhaps, the least important. Capital, ingenuity in the construction, and adroitness in the use of machinery, and the possession of the raw materials, are those which deserve the greatest consideration. All these circumstances, (except that of capital, of which there is no deficiency,) exist in our country in an eminent degree, and more than counterbalance the disadvantage, if it really existed, of the lower wages of labor in Great Britain. The dependence upon foreign nations for the raw material of any great manufacture, has been ever considered as a discouraging fact. The state of our population is peculiarly favorable to the most extensive introduction of machinery. We have no prejudices to combat, no persons to drive out of employment. The pamphlet to which we have had occasion so often to refer, in enumerating the causes which have brought in England their manufactures to such a state of perfection, and which now enable them, in the opinion of the writer, to defy all competition, does not specify, as one of them, low wages. It assigns three; 1st, capital; 2ndly, extent and costliness of machinery; and, 3dly, steady and persevering industry. Notwithstanding the concurrence of so many favorable causes, in our country, for the introduction of the arts, we are earnestly dissuaded from making the experiment, and our ultimate failure is confidently predicted. Why should we fail? Nations, like men, fail in nothing which they boldly attempt, when sustained by virtuous purposes and firm resolution. I am not willing to admit this depreciation of American skill and enterprise. I am not willing to strike before an effort is made. All our past his-

tory exhorts us to proceed, and inspires us with animating hopes of success. Past predictions of our incapacity have failed, and present predictions will not be realized. At the commencement of this Government, we were told that the attempt would be idle to construct a marine adequate to the commerce of the country, or even to the business of its coasting trade. The founders of our Government did not listen to these discouraging counsels; and behold the fruits of their just comprehension of our resources! Our restrictive policy was denounced, and it was foretold that it would utterly disappoint all our expectations. But our restrictive policy has been eminently successful; and the share which our navigation now enjoys in the trade with France, and with the British West India islands, attests its victory. What were not the disheartening predictions of the opponents of the late war? Defeat, discomfiture, and disgrace, were to be the certain, but not the worst, effect of it. Here, again, did prophecy prove false; and the energies of our country, and the valor and the patriotism of our people, carried us gloriously through the war. We are now, and ever will be, essentially, an agricultural people. Without a material change in the fixed habits of the country, the friends of this measure desire to draw to it, as a powerful auxiliary to its industry, the manufacturing arts. The difference between a nation with, and without the arts, may be conceived, by the difference between a keelboat and a steamboat, combatting the rapid torrent of the Mississippi. How slow does the former ascend, hugging the sinuosities of the shore, pushed on by her hardy and exposed crew, now throwing themselves in vigorous concert on their oars, and then seizing the pendant boughs of overhanging trees; she seems hardly to move; and her scanty cargo is scarcely worth the transportation! With what ease is she not passed by the steamboat, laden with the riches of all quarters of the world, with a crowd of gay, cheerful and protected passengers, now dashing into the midst of the current, or gliding through the eddies near the shore! Nature herself seems to survey, with astonishment, the passing wonder, and, in silent submission, reluctantly to own the magnificent triumphs, in her own vast dominion, of Fulton's immortal genius!

7. But it is said, that wherever there is a concurrence of favorable circumstances, manufactures will arise of themselves, without protection; and that we should not disturb the natural progress of industry, but leave things to themselves. If all nations would modify their policy on this axiom, perhaps it would be better for the common good of the whole. Even then, in consequence of natural advantages, and a greater advance in civilization and in the arts, some nations would enjoy a state of much higher prosperity than others. But there is no universal legislation. The globe is divided into different communities, each seeking to appropriate to itself all the advantages it can, without reference to the prosperity of others. Whether this is right or not, it has always been, and ever will be, the case. Perhaps the care of the interests of our people is sufficient for all the wisdom of one Legislature; and that it is among nations as among individuals, that the happiness of the whole is best secured by each attending to its own peculiar interests. The proposition to be maintained by our adversaries, is, that manufactures, without protection, will, in due time, spring up in our country, and sustain themselves, in a competition with foreign fabrics, however advanced the arts, and whatever the degree of protection may be in foreign countries. Now I contend that this proposition is refuted by all experience, ancient and modern, and in every country. If I am asked, why unprotected industry should not succeed in a struggle with protected industry, I answer, the *fact* has ever been so, and that is sufficient; I reply that *uniform experience* evinces that it cannot succeed in such an unequal contest, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still the indisputable fact remains. And we should be as unwise in not availing ourselves of the guide which it furnishes, as a man would be who should refuse to bask in the rays of the sun, because he could not agree with Judge Woodward as to the nature of the substance of that planet, to which we are indebted for heat and light. If I were to attempt to particularize the causes which prevent the success of the manufacturing arts, without protection, I should say that they are—first, the obduracy of fixed habits. No nation, no individual, will easily change an established course of business, even if it be unprofitable; and least of all is an agricultural people prone to innovation. With what reluctance do they not adopt improvements in the instruments of husbandry, or in modes of cultivation! If the farmer makes a good crop, and sells it badly, or makes a short crop, buoyed up by hope, he perseveres, and trusts that a favorable change of the market, or of the seasons, will enable him, in the succeeding year, to repair the misfortunes of the past. Secondly, the uncertainty, fluctuation, and unsteadiness, of the home market, when liable to an unrestricted influx of fabrics from all foreign nations; and, thirdly, the superior advance of skill, and amount of capital, which foreign nations have obtained, by the protection of their own industry. From the latter, or from other causes, the unprotected manufactures of a country are exposed to the danger of being crushed in their infancy, either by the design or from the necessities of foreign manufacturers. Gentlemen are incredulous as to the attempts of foreign merchants and manufacturers to accomplish the destruction of ours. Why should they not make such attempts? If the Scottish manufacturer, by surcharging our market, in one year, with the article of cotton bagging, for example, should so reduce the price as to discourage and put down the home manufacture, he would secure to himself the monopoly of the supply. And now having the exclusive possession of the market, perhaps for a long term of years, he might be more than indemnified for his first loss, in the subsequent rise in the price of the article. What have we not seen under our own eyes? The competition for the transporta-

tion of the mail, between this place and Baltimore, so excited, that to obtain it, an individual offered, at great loss, to carry it a whole year for one dollar! His calculation, no doubt, was, that, by driving his competitor off the road, and securing to himself the carriage of the mail, he would be afterwards able to repair his original loss by new contracts with the department. But the necessities of foreign manufacturers, without imputing to them any sinister design, may oblige them to throw into our markets the fabrics which have accumulated on their hands, in consequence of obstruction in the ordinary vents, or from over-calculation; and the forced sales, at losing prices, may prostrate our establishments. From this view of the subject, it follows that, if we would place the industry of our country upon a solid and unshakable foundation, we must adopt the protecting policy, which has every where succeeded, and reject that which would abandon it, which has every where failed.

8. But if the policy of protection be wise, the gentleman from Virginia (Mr. BARBOUR) has made some ingenious calculations to prove that the measure of protection, already extended, has been sufficiently great. With some few exceptions, the existing duties, of which he has made an estimate, were laid with the object of revenue, and without reference to that of encouragement to our domestic industry; and, although it is admitted that the incidental effect of duties, so laid, is to promote manufactures, yet, if it falls short of competent protection, the duties might as well not have been imposed with reference to that purpose. A moderate addition may accomplish this desirable end; and the proposed tariff is believed to have this character.

9. The prohibitory policy, it is confidently asserted, is condemned by the wisdom of Europe, and by her most enlightened statesmen. Is this the fact? We call upon gentlemen to show, in what instance a nation, that has enjoyed its benefits, has surrendered it. [Here Mr. BARBOUR rose, Mr. CLAY giving way, and said, that England had departed from it in the China trade, in allowing us to trade with her East India possessions, and in tolerating our navigation to her West India colonies.] With respect to the trade to China, the whole amount of what England has done is to modify the monopoly of the East India Company in behalf of one and a small part of her subjects, to increase the commerce of another, and the greater portion of them. The abolition of the restriction, therefore, operates altogether among the subjects of England, and does not touch at all the interests of foreign Powers. The toleration of our commerce to British India is for the sake of the specie, with which we mainly carry on that commerce, and which, having performed its circuit, returns to Great Britain in exchange for British manufactures. The relaxation from the colonial policy, in the instance of our trade and navigation with the West Indies, is a most unfortunate example for the honorable gentleman; for, it is an illustrious proof of the success of our restrictive policy, when resolutely adhered to. Great Britain had prescribed the terms on which we were to be graciously allowed to carry on that trade. The effect of her regulations was, to exclude our navigation altogether, and a complete monopoly, on the part of the British navigation, was secured. We forbade it, unless our vessels should be allowed a perfect reciprocity. Great Britain stood out a long time; but finally yielded, and our navigation now fairly shares with hers in the trade. Have gentlemen no other to exhibit than these trifling relaxations from the prohibitory policy, which do not amount to a drop in the bucket, to prove its abandonment by Great Britain? Let them show us that her laws are repealed which prohibit the introduction of our flour and provisions; of French silks, laces, porcelain, manufactures of bronze, mirrors, woollens; and of the manufactures of all other nations; and then we may be ready to allow, Great Britain has really abolished her prohibitory policy. We find there, on the contrary, that system of policy in full and vigorous operation, and a most curiously interwoven system it is, as she enforces it. She begins by protecting all parts of her immense dominions against foreign nations. She then protects the parent country against the colonies; and, finally, one part of the parent country against another. The sagacity of Scotch industry has carried the process of distillation to a perfection which would place the art in England on a footing of disadvantageous competition, and English distillation has been protected accordingly. But, suppose it were even true that Great Britain had abolished all restrictions upon trade, and allowed the freest introduction of the produce of foreign labor, would that prove it unwise for us to adopt the protecting system? The object of protection is the establishment and perfection of the arts. In England, it has accomplished its purpose, fulfilled its end. If she has not carried every branch of manufacture to the same high state of perfection that any other nation has, she has succeeded in so many that she may safely challenge the most unshackled competition in exchanges. It is upon this very ground that many of her writers recommend an abandonment of the prohibitory system. It is to give greater scope to British industry and enterprise. It is upon the same selfish principle. The object of the most perfect freedom of trade, with such a nation as Britain, and of the most rigorous system of prohibition, with a nation whose arts are in their infancy, may both be precisely the same. In both cases, it is to give greater expansion to native industry. They only differ in the theatres of their operation. The abolition of the restrictive system, by Britain, if by it she could prevail upon other nations to imitate her example, would have the effect of extending the consumption of British produce in other countries, where, her writers boldly affirm, it could maintain a fearless competition with the produce of native labor. The adoption of the restrictive system, on the part of the United States, by excluding the produce of foreign labor, would extend the consumption of American produce, unable, in the infancy and un-

protected state of the arts, to sustain a competition with foreign fabrics. Let our arts breathe under the shade of protection; let them be perfected as they are in England, and we shall then be ready, as England now is said to be, to put aside protection, and to enter upon the freest exchanges. To what other cause, than to their whole prohibitory policy, can you ascribe British prosperity? It will not do to assign it to that of her antiquity; for France is no less ancient, though much less rich and powerful, in proportion to the population and natural advantages of France. Hallam, a sensible and highly approved writer on the Middle Ages, assigns the revival of the prosperity of the North of Europe to the success of the woollen manufactories of Flanders, and the commerce of which their fabrics became the subject; and the commencement of that of England, to the establishment of similar manufactures there, under the Edwards, and to the prohibitions which began about the same time. As to the poor rates, the theme of so much reproach, without England, and of so much regret within it, among her speculative writers, the system was a strong proof, no less of her unbounded wealth, than of her pauperism. What other nation can dispense, in the form of regulated charity, the enormous sum, I believe, of ten or twelve millions sterling!

[Mr. **Barbour** stated, it was reduced to six; to which Mr. **Clay** replied, that he entertained no doubt but that the benign operation of British protection of home industry had greatly reduced it, within the last few years, by the full employment of her subjects, of which her flourishing trade bore evidence.]

The number of British paupers was the result of pressing the principle of population to its utmost limits, by her protecting policy, in the creation of wealth, and in placing the rest of the world under tribute to her industry. Doubtless, the condition of England would be better without paupers, if, in other respects, it remained the same. But, in her actual circumstances, the poor system has the salutary effect of an equalizing corrective of the tendency to the concentration of riches, produced by the genius of her political institutions, and by her prohibitory system.

But, is it true that England is convinced of the impolicy of the prohibitory system, and desirous to abandon it? What proof have we to that effect? We are asked to reject the evidence, deducible from the settled and steady practice of England, and to take lessons in a school of philosophical writers, whose visionary theories are no where adopted; or, if adopted, bring with them inevitable distress, impoverishment, and ruin. Let us hear the testimony of an illustrious personage, entitled to the greatest attention, because he speaks after a full experiment of the unrestrictive system, made in his own empire. I hope I shall give no offence in quoting from a publication issued from "the Mint of Philadelphia;" from a work of Mr. Carey, of whom I sieze, with great pleasure, the occasion to say, that he merits the public gratitude, for the disinterested diligence with which he has collected a large mass of highly useful facts, and for the clear and convincing reasoning with which he generally illustrates them. The Emperor of Russia, in March, 1822, after about two years' trial of the free system, says, through Count Nesselrode:

> "To produce happy effects, the principles of commercial freedom must be generally adopted. The State which adopts, whilst others reject them, must condemn its own industry and commerce to pay a ruinous tribute to those of other nations."
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> "From a circulation exempt from restraint, and the facility afforded by reciprocal exchanges, almost all the Governments at first resolved to seek the means of repairing the evil which Europe had been doomed to suffer; but experience and more correct calculations, because they were made from certain data, and upon the results, already known, of the peace that had just taken place, forced them soon to adhere to the prohibitory system.
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> "England preserved hers. Austria remained faithful to the rule she had laid down, to guard herself against the rivalship of foreign industry. France, with the same views, adopted the most rigorous measures of precaution. And Prussia published a new tariff in October last, which proves that she found it impossible not to follow the example of the rest of Europe."
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> "In proportion as the prohibitory system is extended and rendered perfect in other countries, that State which pursues a contrary system, makes, from day to day, sacrifices more extensive and more considerable. * * * It offers a continual encouragement to the manufactures of other countries; and its own manufactures perish in the struggle which they are, as yet, unable to maintain.
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> "It is with the most lively feelings of regret we acknowledge it is our own proper experience which enables us to trace this picture. The evils which it details have been realized in Russia and Poland, since the conclusion of the act of the 7–19 December, 1818. Agriculture without a market, industry without protection, languish and decline. Specie is exported, and the most solid commercial houses are shaken. The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs."
>
> "Events have proved that our agriculture and our commerce, as well as our manufacturing industry, are not only paralyzed, but brought to the brink of ruin."

The example of Spain has been properly referred to, as affording a striking proof of the calamities which attend a State that abandons the care of its own internal industry. Her prosperity was greatest when the arts, brought there by the Moors, flourished most in that Kingdom. Then she received from England her wool, and returned it in the manufactured state; and then England was least prosperous. The two nations have reversed conditions. Spain, after the discovery of America, yielding to an inordinate passion for the gold of the Indies, sought in their mines that wealth which might have been better created at home. Can the remarkable difference in the state of the prosperity of the two countries be otherwise explained than by the opposite systems which they pursued? England, by a sedulous attention to her home industry, supplied the means of an advantageous commerce with her colonies. Spain, by an utter neglect of her domestic resources, confided altogether in those which she derived from her colonies, and presents an instance of the greatest adversity. Her colonies were infinitely more valuable than those of England; and if she had adopted a similar policy, is it unreasonable to suppose that, in wealth and power, she would have surpassed that of England? I think the honorable gentleman from Virginia does great injustice to the Catholic religion, in specifying that as one of the leading causes of the decline of Spain. It is a religion entitled to great respect; and there is nothing in its character incompatible with the highest degree of national prosperity. Is not France, the most polished, and in many other respects the most distinguished State of Christendom, Catholic? Is not Flanders, the most populous part of Europe, also Catholic? Are the Catholic parts of Switzerland and of Germany less prosperous than those which are Protestant?

10. The next objection of the honorable gentleman from Virginia, which I shall briefly notice, is, that the manufacturing system is adverse to the genius of our Government, in its tendency to the accumulation of large capitals in a few hands; in the corruption of the public morals, which is alleged to be incident to it; and in the consequent danger to the public liberty. The first part of the objection would apply to every lucrative business—to commerce, to planting, and to the learned professions. Would the gentleman introduce the system of Lycurgus? If his principle be correct, it should be extended to any and every vocation which had a similar tendency. The enormous fortunes in our country—the nabobs of the land—have been chiefly made by the profitable pursuit of that foreign commerce, in more propitious times, which the honorable gentleman would so carefully cherish. Immense estates have also been made in the South. The dependants are, perhaps, not more numerous upon that wealth which is accumulated in manufactures, than they are upon that which is acquired by commerce and by agriculture. We may safely confide in the laws of distributions, and in the absence of the rule of primogeniture, for the dissipation (perhaps too rapid) of large fortunes. What has become of those which were held two or three generations back in Virginia? Many of the descendants of the ancient aristocracy (as it was called) of that State, are now in the most indigent condition. The best security against the demoralization of society is the constant and profitable employment of its members. The greatest danger to public liberty is from idleness and vice. If manufactures form cities, so does commerce. And the disorders and violence which proceed from the contagion of the passions are as frequent in one description of those communities as in the other. There is no doubt but that the yeomanry of a country is the safest depository of public liberty. In all time to come, and under any probable direction of the labor of our population, the agricultural class must be much the most numerous and powerful, and will ever retain (as it ought to retain) a preponderating influence in our councils. The extent and the fertility of our lands constitute an adequate security against an excess in manufactures; and also against oppression on the part of capitalists towards the laboring portions of the community.

11. The last objection, with a notice of which I shall trouble the Committee, is, that the Constitution does not authorize the passage of the bill. The gentleman from Virginia does not assert, indeed, that it is inconsistent with the express provisions of that instrument, but he thinks it incompatible with the spirit of the Constitution. If we attempt to provide for the internal improvement of the country, the Constitution, according to some gentlemen, stands in our way. If we attempt to protect American industry against foreign policy and the rivalry of foreign industry, the Constitution presents an insuperable obstacle. This Constitution must be a most singular instrument! It seems to be made for any other people than our own. Its action is altogether foreign. Congress has power to lay duties and imposts, under no other limitation whatever than that of their being uniform throughout the United States. But they can only be imposed, according to the honorable gentleman, for the sole purpose of revenue. This is a restriction which we do not find in the Constitution. No doubt revenue was a principal object with the framers of the Constitution, in investing Congress with the power; but, in executing it, may not the duties and imposts be so laid as to secure domestic interests? Or, is Congress denied all discretion as to the amount or the distribution of the duties and imposts?

The gentleman from Virginia has, however, entirely mistaken the clause of the Constitution on which we rely. It is that which gives to Congress the power to regulate commerce with foreign nations. The grant is plenary, without any limitation whatever, and includes the whole power of regulation, of which the subject to be regulated is susceptible. It is as full and complete a grant of the power, as that is to declare war. What is a regulation of commerce? It implies the admission or exclusion of the objects of it, and the terms. Under this power, some articles, by the existing laws, are admitted freely; others are subjected to duties so high as to amount to their prohibition; and various rates of duties are applied to others. Under this power, laws of total non-intercourse with some nations, and embargoes, producing an entire cessation of commerce with all foreign countries, have been, from time to time, passed. These laws, I have no doubt, met with the entire approbation of the gentleman from Virginia. [Mr. BARBOUR said that he was not in Congress.] Wherever the gentleman was, whether on his farm, or in the pursuit of that profession of which he is an ornament, I have no doubt that he gave his zealous support to the laws referred to.

The principle of the system under consideration has the sanction of some of the best and wisest men in all ages—in foreign countries as well as in our own: of the Edwards, of Henry the Great, of Elizabeth, of the Colberts, abroad; of our

Franklin, Jefferson, Madison, Hamilton, at home. But it comes recommended to us by a higher authority than any of these, illustrious as they unquestionably are—by the master spirit of the age—that extraordinary man, who has thrown the Alexanders and the Cæsars infinitely farther behind him than they stood in advance of the most eminent of their predecessors—that singular man who, whether he was seated on his imperial throne, deciding the fate of nations, and allotting kingdoms to the members of his family, with the same composure, if not with the same affection, as that with which a Virginia father divides his plantations among his children, or on the miserable rock of St. Helena, to which he was condemned by the cruelty and the injustice of his unworthy victors, is equally an object of the most intense admiration. He appears to have comprehended, with the rapidity of intuition, the true interests of a State, and to have been able, by the turn of a single expression, to develop the secret springs of the policy of cabinets. We find that Las Casas reports him to have said:

"He opposed the principles of economists, which, he said, were correct in theory, though erroneous in their application. The political constitution of different States, continued he, must render these principles defective; local circumstances continually call for deviations from their uniformity. Duties, he said, which were so severely condemned by political economists, should not, it is true, be an object to the treasury; they should be the guarantee and protection of a nation, and should correspond with the nature and the objects of its trade. Holland, which is destitute of productions and manufactures, and which has a trade only of transit and commission, should be free of all fetters and barriers. France, on the contrary, which is rich in every sort of production and manufactures, should incessantly guard against the importations of a rival, who might still continue superior to her, and also against the cupidity, egotism, and indifference of mere brokers.

"I have not fallen into the error of modern systematizers," said the Emperor, "who imagine that all the wisdom of nations is centered in themselves. Experience is the true wisdom of nations. And what does all the reasoning of economists amount to? They incessantly extol the prosperity of England, and hold her up as our model; but the custom-house system is more burdensome and arbitrary in England than in any other country. They also condemn prohibitions; yet it was England set the example of prohibitions; and they are, in fact, necessary, with regard to certain objects. Duties cannot adequately supply the place of prohibitions; there will always be found means to defeat the object of the legislator. In France we are still very far behind on these delicate points, which are still unperceived or ill understood by the mass of society. Yet, what advancement have we not made? What correctness of ideas has been introduced by my gradual classification of agriculture, industry, and trade; objects so distinct in themselves, and which present so great and positive a graduation!

"1st. *Agriculture;* the soul, the first basis of the empire.

"2d. *Industry;* the comfort and happiness of the population.

"3d. *Foreign trade;* the superabundance, the proper application of the surplus of agriculture and industry.

"Agriculture was continually improving during the whole course of the revolution. Foreigners thought it ruined in France. In 1814, however, the English were compelled to admit that we had little or nothing to learn from them.

"Industry or manufactures, and internal trade, made immense progress during my reign. The application of chemistry to the manufactures caused them to advance with giant strides. I gave an impulse, the effects of which extended throughout Europe.

"Foreign trade, which, in its results, is infinitely inferior to agriculture, was an object of subordinate importance in my mind. Foreign trade is made for agriculture and home industry, and not the two latter for the former. The interests of these three fundamental cases are diverging and frequently conflicting. I always promoted them in their natural gradation; but I could not and ought not to have ranked them all on an equality. Time will unfold what I have done, the national resources which I created, and the emancipation from the English, which I brought about. We have now the secret of the commercial treaty of 1783. France still exclaims against its author; but the English demanded it on pain of resuming the war. They wished to do the same after the Treaty of Amiens; but I was then all powerful; I was a hundred cubits high. I replied, that if they were in possession of the heights of Montmartre, I would still refuse to sign the treaty. These words were echoed through Europe.

"The English will now impose some such treaty on France, at least if popular clamor, and the opposition of the mass of the nation, do not force them to draw back. This thraldom would be an additonial disgrace in the eyes of that nation, which is now beginning to acquire a just perception of her own interests.

"When I came to the head of the Government, the American ships, which were permitted to enter our ports on the score of their neutrality, brought us raw materials, and had the impudence to sail from France without freight, for the purpose of taking in cargoes of English goods in London. They moreover had the insolence to make their payments, when they had any to make, by giving bills on persons in London. Hence the vast profits reaped by the English manufacturers and brokers, entirely to our prejudice. I made a law that no American should import goods to any amount without immediately exporting their exact equivalent. A loud outcry was raised against this: it was said that I had ruined trade. But what was the consequence? Notwithstanding the closing of my ports, and in spite of the English, who ruled the seas, the Americans returned and submitted to my regulations? What might I not have done under more favorable circumstances?

"Thus I naturalized in France the manufacture of cotton, which includes:—

"1st. *Spun-cotton.*—We did not previously spin it ourselves; the English supplied us with it as a sort of favor.

"2d. *The web.*—We did not yet make it; it came to us from abroad.

"3d. *The printing.*—This was the only part of the manufacture that we performed ourselves. I wished to naturalize the two first branches; and I proposed to the Council of State that their importation should be prohibited. This excited great alarm. I sent for Oberkamp, and conversed with him a long time. I learned from him that this prohibition would doubtless produce a shock, but that, after a year or two of perseverance, it would prove a triumph, whence we should derive immense advantages. Then I issued my decree in spite of all; this was a true piece of statesmanship.

"I at first confined myself merely to prohibiting the web; then I extended the prohibition to spun cotton; and we now possess within ourselves the three branches of the cotton manufacture, to the great benefit of our population, and the injury and regret of the English—which proves that in civil government, as well as in war, decision of character is often indispensable to success.

I would trouble the Committee with only one other quotation, which I shall make from Lowe, and from hearing which the Committee must share with me in the mortification which I felt on perusing it. That author says: "It is now above 'forty years since the United States of America 'were definitively separated from us, and since 'their situation has afforded a proof that the benefit of mercantile intercourse may be retained, in 'all its extent, without the care of governing, or 'the expense of defending, these once regretted 'provinces." Is there not too much truth in this observation? By adhering to the foreign policy, which I have been discussing, do we not remain essentially British, in every thing but the form of our Government? Are not our interests, our industry, our commerce, so modified as to swell British pride, and to increase British power?

Mr. Chairman our Confederacy comprehends within its vast limits great diversity of interests—agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, through all parts of the Union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one Government—to the fate of one ship; and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all—it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests cannot find protection from our own Government against the policy of foreign Powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the Union, (I speak not of minute subdivisions,) What would be done for those interests if that section stood alone and separated from the residue of the Republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them which would be done if it formed a distinct Government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case, all should not be done for one, which would be done if it were separated and independent, but something; and, in devising the measure, the good of each part and of the whole should be carefully consulted. This is the only mode by which we can preserve, in full vigor, the harmony of the whole Union. The South entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the South. The North, the East, the West, hold the opposite opinion, and feel, and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the North, the West, and the East, formed an independent State, unassociated with the South, can there be a doubt that the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture? Such would be their policy, if they stood alone; but they are, fortunately, connected with the South, which believes its interest to require a free admission of foreign manufactures. Here, then, is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the South obtains nothing in this compromise. Does it lose any thing? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the South really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open, by this bill, to foreign fabrics purchased by Southern staples. So far its operation is beneficial to the South, and prejudicial to the industry of the other sections, and that is the point of mutual concession. The South will also gain by the extended consumption of its great staple, produced by an creased capacity to consume it, in consequence of the establishment of the home market. But the South cannot exert its industry and enterprise in the business of manufactures. Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupations of the South? The obstructions which forbid them are natural, created by the immutable laws of God, and therefore unconquerable.

Other and animating considerations invite us to adopt the policy of this system. Its importance, in connexion with the general defence in time of war, cannot fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessaries, to which the defenders of their country's rights and our entire population were subjected during the late war? Or to remind the Committee of the great advantages of a steady and unfailing source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of our Union, that paramount and greatest of all our interests, cannot fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all eagerly rushing to the sea board, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the Confederacy upon the most solid of all foundations, the basis of common interest. And is not Government called upon, by every stimulating motive, to adapt its policy to the actual condition and extended growth of our great Republic? At the commencement of our Constitution, almost the whole population of the United States was confined between the Alleghany Mountains and the Atlantic Ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the western States and territories, have been principally peopled. Prior to that period we had scarcely any interior. An interior has sprung up, as it were, by enchantment, and along with it new interests and new relations, requiring the parental protection of Government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions of the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and the consumption is now better and cheaper supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefit of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated, and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these benefits are two-fold, direct, and collateral, and in the one shape or the other, they will diffuse themselves throughout the Union. All parts of the Union will participate, more or less, in both. As to the direct benefit, it is probable that the North and the East will enjoy the largest share. But the West and the South will also participate in them. Philadelphia, Baltimore, and Richmond, will divide with the Northern capitalists the business of manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know, Zanesville, in Ohio, only excepted. And where the direct benefit does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artisans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted, by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously entreating the protecting interposition of Congress against the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire States and communities, public companies, and private individuals, spontaneously assembling, cease in their humble prayers by your lending a deaf ear? Can you expect that these petitioners, and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdrawn to foreign countries, their ruin slow, but certain, and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed Constitution was formed, and under which alone it can be happily administered. I appeal to the South—to the high-minded, generous, and patriotic South—with which I have so often co-operated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of consumption. Of what do we complain? A total incapacity, produced by the foreign policy, to purchase at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from Southern magnanimity? The just and confident expectation of the passage of this bill has flooded the country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff I would also anxiously appeal. Every arrangement of its provision does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of Congress, published in the "National Intelligencer," stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A *judicious* tariff! No member of Congress could have signed that piece; or, if he did, the public ought not to be deceived. If this bill do not pass, unquestionably no other can pass at this session, or probably during this Congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the Constitution, and always remembering that whatever springs from man partakes of his imperfections, depend upon experience to suggest, in future, the necessary amendments.

We have had great difficulties to encounter. 1. The splendid talents which are arrayed in this House against us. 2. We are opposed by the rich and powerful in the land. 3. The Executive Government, if any, affords us but a cold and equivocal support. 4. The importing and navigating interests, I verily believe from misconception, are adverse to us. 5. The British factors and the British influence are inimical to our success. 6. Long established habits and prejudices oppose us. 7. The reviewers and literary speculators, foreign and domestic. And, lastly, the leading presses of the country, including the influence of that which is established in this city, and sustained by the public purse.

From some of these, or other causes, the bill may be postponed, thwarted, defeated. But the cause is the cause of the country, and it must and will prevail. It is founded in the interests and affections of the people. It is as native as the granite deeply embosomed in our mountains. And, in conclusion, I would pray God, in His infinite mercy, to avert from our country the evils which are impending over it, and, by enlightening our councils, to conduct us into that path which leads to riches, to greatness, to glory.

When Mr. CLAY had concluded, Mr. RANKIN, of Mississippi, rose and spoke till past three o'clock, when he gave way for a motion that the Committee rise, and the House adjourned.

THURSDAY, April 1.

Mr. RICH, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Amasa Stetson," reported the same with an amendment, and the bill was committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes;" and "An act altering the times of holding the courts in the District of Columbia;" in which bills they ask the concurrence of this House.

THE TARIFF BILL.

The House then went into Committee of the Whole on the state of the Union, on the bill to amend the several acts laying duties on imports, Mr. CONDICT in the Chair.

Mr. RANKIN resumed and concluded the speech he commenced yesterday on the general principles of the bill. His remarks are given entire, as follows:

Mr. Chairman: I must leave to others the admiration of that wonderful system of policy adopted by England, which has raised her national debt to the enormous sum of 800,000,000 of pounds sterling, the interest of which is 30,000-000 per annum, a system which, by prohibitions and attempts to protect her manufactures, as I shall presently show, has made a large portion of her people paupers, and which compels her to pay annually, for England and Wales only, in the support of the poor, £6,000,000; a sum exceeding in amount the whole revenue of the United States; a policy which requires her to put a tax on malt, beer, and spirits distilled from grain, with the addition of leather, of £9,150,000; a policy which compels her, with a population one-third less than that of France, to raise a revenue of £44,000,000 for the support of Government, while France meets her expenses by a revenue of £37,000,000, (when it ought, having regard to her population, to be nearly £60,000,000;) a policy which requires every thing to be taxed, except the air her people breathe; others may admire this wonderful system, and "that stupendous monument of human wisdom, the British constitution;" but, I hope to be permitted to look with humble admiration on the Constitution, the institutions, and policy of my own country; a policy which, in less than half a century, has elevated us to a pinnacle of happiness and prosperity which no nation in Europe has reached, in the slow progress of more than ten centuries; a policy which leaves men to pursue wealth and happiness in that way which is most agreeable to them, protected, but not oppressed by legislation; a policy which does not propose to tax one portion of the community for the benefit of another; does not attempt to force into existence things for which we are not prepared; does not subject a man's home to the inquisitive and odious search of the exciseman; or waste the fruits of his industry for the tax gatherer; but which protects all classes, in their lawful pursuits, and fosters industry every where. Gentlemen may, if they please, call this "foreign policy a "ruinous system." I have no hesitation in avowing myself its advocate. I am also an advocate for the purchase of an article manufactured by foreign hands, when I can procure it for a price one-third or one-half less than that manufactured in my own country. I do this, first, from a principle which governs almost every one; because it is my interest to do so; and secondly, because it is the interest of the community to which I belong. The public interest is but the aggregate of every individual interest in society. I am not the advocate of any system, the design of which is to make men wealthy without capital, industry, or economy, by imposing taxes on some more prosperous or industrious portion of the nation.

The South, sir, said Mr. R., has been often mentioned in the course of this discussion, and the patriotism of the South has been appealed to with peculiar force. What does the South demand of Congress? Only that her capital and industry may not be taxed for the benefit of some other section of the Union. She asks not that the North and the West be taxed for her benefit, (as has been alleged,) but to pay her proportions of the public burdens, as she necessarily does, by paying her portion of the duties imposed for the purposes of revenue, on the articles of foreign manufacture she consumes. It is the excellency of our system of collecting revenue, that it is wholly immaterial whether the duty be collected in New York, Philadelphia, or elsewhere; every individual pays his portion of that duty on the article he consumes—no matter where his residence may be—he pays no more—he can pay no more. The allegation, therefore, that the North and West are taxed for the benefit of the South, is without a shadow of foundation. The charge that our policy compels the freemen of the West to become "the slaves of slaves," comes very ungraciously from the honorable Speaker, many of the products of manufactures of whose own State, and perhaps of his own plantation, pass through the hands of slaves, and to the use of which we might object, if the objection be a good one, and prefer the productions and manufactures of Ohio and Indiana, or those of the North. If the article or commodity suits the purchaser, both in price and quality, there can be no propriety in inquiring by what hands it was produced or manufactured; nor do I presume the gentleman himself would stoop to make such an inquiry.

The picture, said Mr. R., drawn by the Speaker, of the condition of our country, if true, would be melancholy indeed, and might strongly urge the interposition of Congress, for the relief of all, (with the exception of the manufacturing interest, which, I think, he admits to be rather more prosperous than any other,) could any general system of relief be devised. Such a gloomy picture, if confined to this House or to this nation, would be harmless, I am sure, because no one would discover its resemblance to the actual state of things. But foreign nations may believe it, and sympathize with us. Much of the gloom is, however, removed by his admission that the necessaries of life, for which the poor of other nations are suffering, are every where here in great abundance; so abundant that they can neither be consumed nor sold; but are actually rotting in the barns and granaries. He represents the prices of cotton, rice, and tobacco, the great staples of the South, as rapidly declining also, and consequently, it will be unnecessary to adopt a course of legislation to reduce us more rapidly to the common level of distress. We must necessarily adapt ourselves to the state of things which exists, and may hereafter exist, and not endeavor, by mere legislation, to create wealth and capital where none exists. Of this system of legislation, I had supposed a portion of the West, at least, had received sufficient information, from their own experience to condemn it and even make it horrible. It was not sufficient that they had the means of living and becoming wealthy in the ordinary way, but they must become wealthy by the creation of banking institutions, and large issues of bank notes, which gave a factitious value to every thing; destroyed credit; called for a suspension of the collection of debts in the ordinary way; ruined individuals: all of which was consummated with general calamity, if not disgrace. From such a course of legislation, I wish the General Government, at least, to be exempted. The remedy consists in men conforming themselves to the existing condition of affairs, and which they will soon do, if undisturbed by vain and deceitful attempts to relieve them, all of which but sink them deeper in the abyss of misery.

I regret, said Mr. R., that this bill, calculated so deeply to affect all the interests and every class of industry, had not reached this House through the ordinary channel. It has been customary, in such cases, to receive a report of the probable effects of such a measure, upon the revenue and the industry of the country, from the officer who presides over its finances, accompanied by statements of such rates of duty as might be expedient or proper. For such a duty, the officer who directs that department ought to be, and no doubt is, better qualified by information, and a knowledge of the experience of this country, and of other countries, than any individual member, whose pursuits in life may have been diversified, and not much directed to the investigation of such subjects. Such a report should also have passed under the revision of that committee which examines the ways and means of the nation. But what have we presented for our adoption? A bill, reported by a Committee on Manufactures, the professed object of which is to protect manufactures. Thus, one class of industry assumes the privilege of saying to every other what amount they shall severally contribute to its support. Such a state of things is necessarily calculated to awaken suspicion, distrust, and alarm. But, on this subject, we are not left to suspect the design of this measure from its name and its source, as it bears the impress of its character in almost every feature which belongs to it. Many, and indeed most, of the duties proposed, amount to an immediate, or, at no very distant day a prohibition of the foreign manufacture; and the gentleman at the head of the Committee on Manufactures has had the candor to avow that such was its object. Against such a system I must protest.

I shall not, Mr. Chairman, said Mr. R., attempt to establish the unconstitutionality of this measure, but will leave that point to be discussed by other gentlemen. With those who believe that, under the power "to collect taxes," "regulate commerce," or "lay imposts," we have the right to tax every other class of industry to force into existence a particular interest, it would be useless to argue, as they have found, and are determined to exercise, the power. I regret to say, sir, that I never have, since I have been in this House, found a majority of this body desirous and determined to exercise a power, that they have not found such power, if not in the letter of the Constitution, in the spirit of it; if not in the spirit, in what have been very appropriately called "the vagrant powers of the Constitution."

There are some truths, sir, in political economy, as well as in mathematics, which derive but little force from illustration, and only require to be stated to be believed. Such, I humbly conceive, would be the declaration that all violent attempts to regulate and direct the pursuits of industry in society must produce an unnatural state of things. I know society is itself an artificial body compared with the savage state, which is the natural one. By the natural state of things, I only mean that where there is no attempt by law to regulate and direct the pursuits of men from those occupations and employments which they believe most advantageous. As the natural body is in the best condition when neither stimulants nor depletion is required, so is the political body the most sound and healthy where there are the fewest attempts to force industry from its ordinary and natural course. The proposed system leaves nothing to the discretion and discernment of men—nothing to its natural course. It is also true (and the Speaker admits that truth) that capital, if permitted, will always find its place of profitable employment, as naturally as water will find its common level. From the spirit of enterprise in this country, and the few habits we have to subdue, this truth is peculiarly applicable to the people of this country. What portion of the habitable globe; what howling wilderness, no matter what its depth; what ocean, no matter how remote, or what climate, no matter how inhospitable,—has not been visited by our adventurous people, in pursuit of wealth? Even the depths of ocean have been made tributary to their wishes in this pursuit. This bill proposes to direct the employment of capital, and leaves nothing to individual discretion. What, again, can be more true, than that free importation produces lowness and uniformity in the price of every thing we desire to purchase, by inviting competition, and enabling you to purchase from those who can produce or manufacture cheapest? In this way, you are not sensibly affected by the changes of season, or the destruction of crops, nor are you subjected to the extortion of those from whom you have no alternative but to buy at their own prices. It would, perhaps, add a pang to those of death to be murdered by the hand of a friend; and there can be but little satisfaction in knowing that you were robbed or taxed unnecessarily and improperly for the benefit of professed friends, instead of by those indifferent to your fate. This bill does not permit you to buy where you can buy cheapest, and sell where you can sell dearest, but compels you to purchase at any price the domestic manufacturer may please to demand.

"Will you not protect your own industry, your own manufactures," has been echoed in every part of this Union, and often within the walls of this House? Yes; I will protect, so far as my vote goes, every species of industry; but no one exclusively. But let us understand the meaning of this word protection, which has been latterly used to signify any thing but protection. When foreign Governments give a bounty on a manufactured article when exported, and the duty imposed by our Government does counteract the effects of that bounty, we are strictly protecting our produce or manufacture, by imposing a duty that will prevent foreign producers or manufacturers from competing in our own market, and with our own producer or manufacturer, on terms of advantage. We also protect our industry or manufactures, when we impose a duty to prevent foreigners in our immediate vicinity from coming into our market with such produce as we raise in abundance—when their proximity to our shores, by subjecting them to but little expense, enables them to come there, and compete with our own people on equal, or nearly equal, terms. Such is the effect of our legislation, in relation to the fisheries, and the duty we impose on foreign sugar and cotton. The discriminating duties on tonnage has had also the effect of protecting our shipping against the regulations of foreign nations, and the competition of their seamen. In some cases it happens that your policy or your laws have created institutions, and forced the investiture of capital in manufactories, or otherwise; and, in all such cases, the Government cannot, consistently, at once abandon its course, by which ruin would fall upon a class of citizens invited to particular pursuit by existing laws, and resting on the faith of the Government. Some things in the tariff of 1816 were doubtless affected by this principle. But when an adequate protection is afforded, even by adventitious circumstances, there can be no necessity for claiming the interposition of the Government, for any thing beyond that adequate protection; and there is no propriety in the interference of the Government in such a case. The present duty laid upon foreign manufactures for the purposes of revenue, is estimated by those familiar with those subjects, to amount, on an average, to 40 or 50 per cent., and would, doubtless, give adequate protection, were we prepared to manufacture. On some things the duty is 7½, and on others 200 per cent. When you add to those duties the price of freight from the place of exportation, with insurance, commissions, and the various profits and charges, before they reach the consumer, the price is greatly enhanced from the original price of the manufacture. From this duty, together with freight, insurance, &c., the domestic manufacturer is exempted; and it necessarily operates as a premium to him of that amount, as he can add all those things from which he is exempted, to the price of every thing he manufactures, and sell at the same price as the foreign manufacturer. This is an indirect tax on the consumer, and is not noticed. It is a protection not to the industry of the farmer and planter, who does not believe when he purchases an article he wants of the merchant, that if his own manufacturers were at all prepared to manufacture, they ought to be able to sell it to him one-fourth or one-half cheaper; and that one-fourth or one-third, and, in many cases, one-half of the price he pays for an article, operates as a premium on domestic manufactures. When these facts are disclosed, the plain common sense of every man would induce him to say, at once, "why, these people are already sufficiently protected." Whence, then, this cry—"Will you not protect your own industry, your own manufactures?" It is all a delusion. Public men, instead of joining in that cry, should say to the people, your manufactures are already protected by a duty averaging 40 or 50 per cent.; and, if they cannot succeed with such protection, it is evident our country is not prepared to manufacture. When our millions of acres of unseated lands are populated, and it becomes an object to find employment for a portion of our people who cannot be employed in agriculture, and when the price of labor is reduced to something like the price of labor in Europe, we shall then manufacture; but, until that period arrives, it is vain to attempt to force them over obstacles they cannot surmount. These manufacturers, they might say, by protection, mean prohibition, and that foreign manufactures must be excluded by high duties, to enable them to obtain the monopoly of the market.

In the further prosecution of the examination of this interesting subject, and for the purpose of showing the effects of such a system on the whole community, I have, Mr. Chairman, proposed to examine its effects on the commerce, the agriculture, the manufactures, the revenue, the morals, and the liberty of the country. If no one of these great interests can be promoted, as I shall attempt to show, by the passing of this bill, it most certainly ought to be rejected.

Commerce, sir, (said Mr. R.) deals in the exchange of the raw material, the money, or the manufactured articles of one country for those of another. If we continue to exchange with other nations, as heretofore, no protection is afforded to our manufactures for what ceases to be consumed ceases to be imported; and, in proportion as we substitute our own for foreign fabrics, our commerce is diminished; so far as the present bill goes, and it goes far enough to exclude the most of the foreign manufactures we want, it excludes them from our market, which exclusion must be followed by almost the total annihilation of our commerce. But, it has been said that, "if we export we will import." We have heretofore imported necessaries, and, I presume, according to the new doctrine, we shall import something which is not necessary, and which we cannot use. If it be true that, "if we export we will import," it must be equally true that, if we cease to import, we shall cease to export, and that importation and exportation keep pace with each other. The bill proposes to diminish our importations, and force us to consume our own productions and manufactures, and consequently, most seriously affects our commerce. The number of persons to be affected by this change is considerable, and they are a class of people whose labor and industry ought not to be sacrificed to promote those of the manufacturer, who less deserves your protection. In this branch of industry, which has arisen without your protection, except so far as I have stated protection was strictly due from the Government to its citizens, there are estimated to be 40,000 mariners employed, and, in the various employments of shipwrights, boat builders, sailmakers, chandlers, &c., 250,000, making an aggregate of 290,000 persons. The greatest number which the Speaker could find employment for under his new system, and that number much exaggerated, as must be evident from a knowledge of the powers of machinery, was 500,000 persons, and those must be employed by the loss either immediate or ultimate of something like $7,000,000 of our revenue. Is this just? Is this right? In this experiment, you jeopardize, if you do not destroy, as is probable, upwards of 800,000 tons of tonnage engaged in the foreign trade, and which produces annually, of national wealth, by mere labor, about $70,000. A considerable trade is carried on from the North to the West Indies in lumber and the various products of the soil, which is supposed to be worth about $150,000 per annum, and a trade in ice, which requires no capital, brings to the country $100,000. In return for these, the various products of the West Indies are imported to the United States. The proposed duty on molasses, fruits, and spirits, must utterly destroy this trade by its prohibitory action. Who does not remember that, in the last war, when treachery, defeat, and disaster, attended our first efforts, or when at best but doubtful success crowned the most brilliant achievements of our arms, the rapturous enthusiasm that filled every bosom at the victories achieved by our navy. The gallant spirits who covered themselves and the nation with glory; exalted us in our own estimation as a people; made every man, when in a foreign country, lay his hand on his breast, and proudly say, I am an American citizen, where, but shortly before, he concealed himself with shame; and established for us a name and an elevated standing among the nations of the earth, were not reared amidst the fumes of the oil and the noise of the machinery of a manufactory. They were "children of the deep, and nurselings of the storm;" their home was from infancy on ocean, and "their path the mountain wave." There they had learned to discharge their duty—to contemn danger, and disregard death. This school for our navy, for which there can be no substitute when our commerce is destroyed, gentlemen would destroy, and erect on its ruins a thing, as yet in this country, unknown—the untried system of forcing into existence manufactures. Commerce is the handmaid of agriculture and manufactures, and bears their surplus to other countries for a market. Without it, no nation has flourished, from the time of Carthage, of Venice, and the prosperous periods of the Spanish nation, down to that of England, which has excited the admiration, and called forth the eloquent eulogium of the Speaker of this House. Carthage and Venice, it is true, perished in consequence of the prosperity they attained by commerce; but, from the causes of their destruction we are happily free. Carthage was but a speck on the margin of the Mediterranean, and Venice like an excrescence from the ocean. The enemy had but to strike a single part of either, and the whole was destroyed.

The rock of our strength is a widely extended country, and a vast preponderance of population, whose pursuits are agriculture. While that state of things exists, we are secure alike against domestic faction and foreign invasion. When a large proportion of our population shall have engaged in commerce and manufactures, and especially in manufactures, the stability of our Government will be diminished. A due proportion of a well regulated commerce brings to a nation the arts, the improvements, and the science of every nation with which it has intercourse. This commerce, which deserves so well the protecting hand of the Government, and which is represented by Mr. Speaker to be in a most languishing and deplorable situation already, ought not certainly to receive from the parental hand of the Government this decisive and fatal blow at its existence.

The main spring of agriculture and industry, is a market, in which we can exchange our surplus produce, our money, or our manufactures, for those of other countries. If the maxim of Mr. Speaker be true, that if they buy "of us nothing, we can buy of them nothing," it must be equally true, that, if we buy of them nothing, they can buy of us nothing. It is a good rule that works both ways. The object of this bill is, so far as possible, to force us to be independent of other nations, and produce the manufacture for ourselves. It is impossible that other nations can pay us in specie $47,000,000, which was the value of the exports of the United States to foreign nations, the last year, and which must, annually, increase, if they were so disposed. They have been enabled to trade with us, especially England, because we received her manufactures in exchange for our raw material; and when we destroy, or mutually diminish that exchange, she cannot, nor would it be her interest, to pursue that unprofitable trade. She will, of course, seek a market where she can trade to advantage. That she will find, in South America and elsewhere, where cotton, the raw material which she most wants, is raised in great abundance, and where her manufactured articles will be in demand. We shall thus, by our policy, find the means of diverting from ourselves our most profitable trade. This exchange with England, if not wholly destroyed, must be much diminished, by the operation of this system. She is supposed, in the last season, to have imported 420,000 bales of cotton; and the amount returned to us, in manufactured articles, after deducting for waste, is only estimated at 40,000 bales, which leaves 380,000 bales to be consumed elsewhere. This she was able to purchase, by the addition of the labor to that portion of the raw material returned to us manufactured; but the object of this bill is to exclude the manufactures, and with that, consequently, to destroy their means of purchasing. If the home market were a substantial substitute for this loss, we should have no reason to complain; but, it is evident it cannot be. England now manufactures 380,000 bales of cotton for her own use, and for the use of those with whom she trades, exclusively of the 40,000 bales returned to us manufactured. We cannot, then, expect a home market for more than 40,000 bales out of 420,000, as we have no market for any more, if manufactured, as we cannot, requiring high protecting duties at home, in addition to the present high duties, to enable us to compete with her in our own market, expect to vend our manufactures in Great Britain, or any other place where she trades. This all tends to show the impolicy of changing a system, when the change would so seriously affect one of our best articles of exportation. The evil effects of such a measure, would not be confined in its operation to that portion of the country immediately affected by it; but, as the South is dependent on the North and West for implements of husbandry, and all the means of subsistence, would necessarily destroy the market now opened to them, by destroying our means of purchasing and by compelling us to use those means which God and nature has placed within our reach, of supplying our own wants, from our own lands. The idea of a home market, for either our produce or manufactures, to any considerable extent, is most fallacious; it has no foundation in reason or truth; but is calculated to delude and deceive the people. This terrapin policy suits no nation with such varieties of soil and climate; such a spirit of enterprise, and such immense resources, as the American people possess.

We are, said Mr. R., necessarily an agricultural people; and many portions of our country must remain so, for years to come. This proceeds from the nature of our country, which differs from the densely populated portions of the old world, in affording to industry the enjoyment of the most fertile lands, at reduced prices; and from which a great abundance is produced, with but little labor. The price of labor is governed by the price for which the inferior soil can be cultivated, where they are compelled to cultivate such soil. The American farmer can, with the same labor, grow more grain than the farmer of any other nation. Hence, he can better afford to pay from 20 to 50 per cent. on goods of foreign manufacture, than have his attention directed from agriculture to domestic manufacture. This state of things will pass away when our population becomes too dense to be supported by the cultivation of the best soil, and to be employed in commerce. Whenever that period arrives, we are then, and not until then, prepared for manufacturing.

The corn laws of England, which prohibit the importation of grain, except when the scarcity very nearly produces famine, had their origin in the protection extended to the manufactures of silk and lace, which are now considered unimportant branches of their manufacturing establishments. The agriculturist demanded of his Government a similar protection to that given the manufacturer. This protection, so reasonable, when the system was commenced, she was compelled to give, and hence the corn laws. This whole system she would abandon if she could, or if she dare. A bad system, when once created by Government, cannot be readily abandoned. [Here Mr. R. read from Lowe's new statistical work, Appendix, page 33, a passage, to show the correctness of his statement, as to the origin of the corn laws, and the opinion of writers on political economy, as to their injurious effects.]

What would be the effect of free trade on England herself, provided her ports were opened to the agricultural products of other nations, and especially those of the United States? She would not then be reduced to the necessity of cultivating inferior soil, where great labor receives but little reward, and keeps up the price of bread; but the price of bread would be diminished, and with the diminished price of bread, the staff of life, the price of labor would fall; and, with the price of labor, the price of manufactured articles dependent on labor. Her manufactures, reduced in price, would enable her to have a monopoly of the market of the whole world. Their policy not only affects them injuriously, but is the best protection which could be presented to our manufactures, by keeping at a high price the necessaries of life, labor, and the manufactures which she would be enabled to sell much lower in our market, by pursuing a contrary policy. Her manufactures, however, she must dispose of, or her people perish; and, in order to meet competition abroad, when a season of scarcity arrives, the manufacturer dare not raise the price of wages, because that would raise the price of manufactures, and destroy the sales abroad—throws on society a numerous class of weavers and laborers, clamorous for bread, because perishing with famine. This is the most fruitful source of pauperism in England, and which, it requires six million pounds of poor tax annually to alleviate, without regarding the immense individual suffering, the vices created by pinching want, the prosecutions and convictions, the infamy or execution of many of her citizens, who, if blessed with the distressing abundance which surrounds the people of this country, would have been valuable members of society. In this train follows, also, the rebellions that agitate society, and which require the power of military force to suppress. This is the admirable "American policy," which Mr. Speaker wishes to adopt in this country. A time must come when our country will be subjected to all these calamities; but I hope it is far distant, and I confess I am unwilling to hasten its approach. We must be contented with moderate profits, and not attempt to legislate the nation into wealth, either by issuing bank paper, or forcing into existence establishments which would, least of all, benefit the West, now most clamorous for them.

The manufacturers have been promised the South American markets, in which all their fabrics can be vended. It is truly ridiculous to require something at home, in addition to the protection of a duty averaging forty or fifty per cent. and then believe you can go into a foreign market and monopolize it, limited as that market must be. But I have shown you that, if your system be adopted, you will have driven England there with her manufactures, with whom it will be the interest of the South Americans to trade, because they will receive the raw material wanted by the English, in exchange for their manufactures. You can receive nothing scarcely but specie, unless you import, to the ruin of your own agriculturist, the cotton of South America.

New England is the only manufacturing part of this country, and yet her people do not demand this tariff at your hands. She has the capital, the industry, the economy, and the density of population, that prepares her for manufacturing. But for the emigration of her people to the West, she would now have advanced much further in that branch of industry. The manufacturers know well the effect of the competition created by forcing capital suddenly to any one employment, and generally only ask you to let them alone. Small establishments, which might secretly and silently work their way into an honorable and comfortable existence, with the numerous individuals now employed in manufacturing by hand, would all be prostrated by your policy, by the large manufacturing establishments, with immense capital and powerful labor-saving machinery. From your system, the nabobs, who are represented as hostile to it, would alone derive benefit. The Digest of Manufactures, prepared by the Secretary of State, shows that many of the manufactories of coarse cotton, after the tariff of 1816, perished by competition. They do not, like the Kilkenny cats, devour each other, all except the tails; but one great establishment rises on the ruins of all the surrounding inferior ones—gorged and bloated with the spoils, and smiling at the desolation created. The prudent manufacturer also fears a reaction, when the people shall have felt their revenue seriously diminished, and shall see a resort to excise or direct taxes necessary; when they have witnessed the prostration of commerce, and shall know, from experience, the delusion of this home market. Society, like a mighty collection of waters, rests peacefully, if undisturbed. A single wave cannot be raised from its bosom, and suddenly sink into tranquillity; but a thousand successive waves are borne impetuously to the shore, and are returned, broken and murmuring into the mass of waters. The people may not be satisfied with reducing things to their present situation.

When we are at all prepared, sir, said Mr. R., to manufacture, the present duties will be found a sufficient protection; and, until we have the requisite industry, economy, and capital, and a population which cannot be employed in agriculture and commerce, we vainly and imprudently attempt to force manufactures into existence. That we are not prepared, is demonstrated by the positions of the advocates of this bill. We have "infinite advantages (says Mr. Speaker) of soil and of internal navigation," &c. If we cannot manufacture with these advantages, and with large protection from duties, what does this prove, but that we are not ready to manufacture? What does the chairman of the Committee on Manufactures say, as to our natural advantages? "We have ten acres," says he, "for one in Europe, fit only for the culture of hemp;" and yet, it seems, we cannot manufacture even cotton bagging, without a protecting duty of 50 per cent. We have territories of lead, and on navigable waters;

yet it cannot be protected by a duty of 12½ per cent., the present duty; but a duty of 25 per cent. is necessary, and, on manufactured lead, higher in proportion. We have a climate which will produce wool every where, and a duty of 15 per cent. to protect it; yet we cannot have it produced in this country. We have iron ore in great abundance, fuel, and labor, and iron is now protected by a duty of at least 40 per cent.; yet the makers of iron are suffering for protection. We have grain in abundance, yes, "rotting in our barns and granaries," and a duty on foreign spirits averaging 200 per cent.; yet, this is not a sufficient protection to domestic industry. When you add to these advantages the low price of land, the abundance of fuel, convenience of navigation, and the exemption from the payment of freight, duty, insurance, commissions, &c., to which the foreign producer and manufacturer are subjected, and find we cannot grow or manufacture, is it not evident that the cause is not the want of protection; but that it proceeds from causes connected with the new and unsettled state of the country? As men advance gradually from infancy to old age, so does society. No people have been instantaneously a commercial or a manufacturing people. The natural state of man is the savage state—the next, the pastoral, and the next the agricultural. At the settlement of our country, we had passed the first stages, and had agricultural habits, received from the land of our fathers; and our commerce and manufactures are rising into existence as rapidly as they ought. Whenever agriculture, in any country, has a surplus which cannot be consumed by the producer, commerce rises. If a country has, at the same time, a surplus production, at any one point, which cannot be advantageously employed in agriculture, they are their own carriers; if not, other nations carry for them. When the people become too numerous to find employment in agriculture and commerce, they necessarily seek employment in manufactures. But a small portion of our country, and that certainly not the West, with its millions of unseated lands, has ever found that surplus population which prepares a nation to manufacture. The manufacturing age of any nation is the one which precedes and mingles with its decline. Not, indeed, often an enviable period in its history; because, as the markets fluctuate, as affected by war or peace, or the destruction of crops, it brings forth its swarms of paupers and a starving tumultuous people, imploring Government to relieve them from famine, and are ready to join any faction. In our country, with our free institutions and extended right of suffrage, the influence which the proprietor of a large manufactory must have over those dependent on him for bread, would be severely felt, in destroying the freedom of elections. The command over a man's means of subsistence and that of his family, independently of that servile disposition which dependence creates, gives a command over his will and his freedom. The slavish condition of the laborers employed in manufactories, and in which they only engage from necessity, has a tendency, also, to destroy both the spirit of patriotism and the physical energy on which the nation might rely, from her militia, in times of war. It is, therefore, calulated to impair our means of national defence and destroy the best feelings of patriotism. I know the correct manner in which the manufactories now established are conducted, and the attention paid to the preservation of morals. But these establishments are now in their infancy, and have a character to create. The time must come, as it has in other countries, when the proprietors will be more anxious to increase their wealth than preserve the morals of their laborers. All experience shows that the contagion of example and the effect of association, where a great number are collected together, tends to contaminate the morals of the whole. The people of cities hence, are less virtuous than the people dispersed, in their habitations, through the country. The Speaker, with a view to another point, states an important fact in relation to the increase of our population. We double our population, he says, in about twenty-five years, while scarcely any other nation has the same result in less than a century. To what other causes can that be attributed but to an exemption from a precarious support, to be obtained by labor in manufactories, and to the ease with which lands can be procured and a family supported, inviting to early marriages? I am not willing to destroy this course of national strength and wealth, by forcing men from agriculture. Who has not witnessed, with pleasure, the happy effects of emigration to the new and unseated parts of our country? A man, with his wife and family of small children, leaves a part of the country where the high price of lands prevent him either from being able to purchase or rent. His earthly substance, with the children unable to walk, are packed upon a horse, followed by himself and wife and those able to travel. In this way he pursues a journey of some hundreds if not thousands of miles, seats himself on lands that soon becomes his own; plenty smiles around him, and he dies with the pleasing thought that his children are freemen, and not slaves—the lords of the soil. On a people of such enterprise, thus educated, you can depend, in the day of battle. There is something in the freedom of the country, in the ownership of the soil—no matter whether the proprietor be seated on the fertile plain, or his habitation be perched near the eagle's nest on the mountain side—which inspires a feeling of independence and a love of country that nothing produced in any other situation can equal. With what enthusiasm, in the last war, did even mothers surrender their darling sons, the only prop of declining age, for their country's defence; and with what Spartan heroism did they offer their lives on the northern and northwestern frontier and on the plains of Orleans? While this proportion of this kind of population greatly exceeds all others, our national defence, liberty, and independence, are secure. Not so when the manufacturing class preponderates. We are then verging to old age and dissolution. I would not, willingly, drive men from those pursuits that make them independent, patriotic, wealthy, virtuous, and happy, to those which make them poor, dependent, servile, corrupt, miserable slaves. I would increase the number of the cultivators of the soil; for there, should ever liberty desert our country, will her last vestiges be found. If this be "foreign policy," I do not blush to be its advocate.

This brings me, Mr. Chairman, to examine the probable effects of this bill on the revenue, should it pass into a law. Our mode of collecting the whole revenue of the country, from a duty on imports, and which is collected with little expense, and scarcely felt by the people, is peculiar to this country. It must fail whenever it becomes our interest to manufacture, instead of directing nearly our whole force to agriculture, finding it more advantageous to pay a duty averaging 40 or 50 per cent. on foreign manufactures, than to manufacture for ourselves. For, it is evident, when our state, as that of England does her, enables us to manufacture, the distance and expenses attending importation will not only protect our own manufactures, but prohibit importation. If this state of things be permitted to arrive gradually, we become better able to bear excise and direct taxes, and may gradually impose them to meet the deficiency in the revenue. If brought upon us, at this time, we are wholly unprepared to meet them, and I am certain would not bear them. That the design of this bill is to diminish importation, and to act as a prohibition, we have from the chairman of the committee who reported it to the House. He says we import, annually, upwards of $15,000,000 of foreign articles, which we can have as well, and better, in our own country, and which, I presume, it is intended to prohibit, as quickly as possible. If this bill will not answer the purpose, I have no doubt he would consent to report one which would. But, sir, no declaration of intention was necessary. No man can examine this bill without feeling that, regardless of the design, the effect would be to prohibit, or nearly so, the importation of goods, the duties on which, from a statement laid on our tables, amount to upwards of seven millions of dollars. But, admit it should not go the whole extent of prohibition to that amount, even a considerable portion could not be borne, and the Government supported, without resort to internal taxes. The mode of laying the duty on coarse cottons and woollens, is extremely exceptionable, because calculated to deceive. If the intention of the committee was to place a duty of from 93½ to 117 per cent. immediately, and from 104 to 130, after June, 1825, on coarse woollens called plains, and a duty of from 78 to 111 per cent. on printed calicoes, why not say so, in direct terms, and not make a duty nominally only 25 per cent. by fixing the price of a yard at one-third more than it cost, make duty much higher than it appears. The duty on coarse cottons, by the tariff of 1816, was nominally 25 per cent., but every yard was estimated to have cost 25 cents, a price more than three times its real cost, at the place of manufacture, and which made the duty really more than 80 per cent. Here let me remark, that, if the duty of 1816 on coarse cottons, operated as a prohibition, as it really did, the duty I have mentioned on coarse calicoes and plains ought to have, and would have, the same effect. The proposed duty on cotton shirting is from 49 to 70 per cent.; on cotton checks it is from 67½ to 70 per cent.; on brown Holland, 72 per cent.; on osnaburgs and cotton bagging, about 50 per cent.; and on paper, about 66 per cent. The articles are selected to show the general character of the bill, and to justify my remark, which I have made, that it is, in its nature, prohibitory. These calculations I have not made, but they are made by those much better acquainted with such things, and who, I presume, would not hazard their reputations by false statements. They are principally found in the memorial of the Chamber of Commerce of New York. These duties, if they operate to raise the prices, as they must, fall most heavily on a class of people the least able to bear such burdens, the poor and laboring class. A duty on fine cloths could either be paid by the rich, or would leave them the alternative of wearing something of an inferior quality; but the poor have no alternative but to buy at the prices for which they are offered, or do without them. The experience of the last war also shows, that when prices are unusually high, that portion of the community which can do so, resort to family manufactures, and that the use of all others is much diminished. These high duties, then, if attended with any thing like a corresponding high price of the domestic manufacture, instead of giving protection to domestic manufactures, would diminish the consumption, and force all who could to supply their wants by family manufactures. This was seen in the last war.

The effect of high duties, in producing smuggling, with all its concomitant evils, I never can view without horror. For smuggling, no country—not even England—is so well adapted as the United States. An immense seacoast, studded with islands, and extending from Passamaquoddy to the Sabine, and a large portion of that but thinly populated; by land, bounded on the East, the North, the Northwest, and the West, by the territories of other Governments, a portion of which has a chain of lakes united by rivers, to which there are thousands of inlets, affording facilities to smuggling. Hitherto the feelings of our people have been on the side of the Government, because the duties have been moderate, and, although we have the most virtuous people on earth, the experience of the restrictive measures preceding the last war, and the war itself, show that they can be corrupted. All men are liable to be operated on by their avarice or their necessities. A part of one of the best prayers ever uttered, is "Lead us not into temptation." Do not corrupt your people, by making it their interest to be corrupt, or because the demand for necessary clothing, which they cannot otherwise obtain, requires them to be corrupt. When you do, you will find *Dirk Hateraicks* on your coast, and a people ready to deal with and protect him in his illicit trade. Some gentlemen here know that the famous *Lafitte* supplied one part of the country with goods, through Barataria, during the restrictive measures and the last war, and publicly walked the streets of New Orleans, in defiance of your public officers, and in contempt of your laws. To prevent this, you must increase the number of revenue officers, now under your moderate duties almost unnecessary, except for the mere purpose of collecting them.

But, sir, the gentlemen have found a remedy for the deficiency anticipated by themselves, by the prohibitory nature of this tariff, in the increase of duty on other articles. What are those articles? Molasses, spirits, fruits, and silks, I presume—the proposed duties on which must diminish the consumption, if not wholly prohibit the importation. If it were true that an increase of duty increased the revenue, it would be easy to collect the revenue from a few articles. Experience shows things will bear a reasonable duty, and no more. Go beyond that, and they are smuggled, they are adulterated, the consumption is diminished, or they are prohibited. The maxim of Dean Swift is true, when understood, that, in the science of political arithmetic, two and two do not always make four. Reducing the duty often increases the revenue, and an increase of the duty often diminishes the revenue, and the revenue does not always increase in the proportion the duty is increased. These positions I propose to illustrate by a few of the numerous examples drawn from the experience of England, France, and the United States. Previously to 1784, the duty on tea, in England, was four shillings a pound, and produced £180,000; and when reduced, in 1745, to one shilling per pound, produced, in 1746, £243,309 in revenue. In 1748, the duty on tea was again increased, and fluctuated between 64 and 119 per cent., until 1784, with but little increase of revenue; but the adulteration, by the use of sloe and ash leaves, was practised to an astonishing extent. In the year 1784, the duty was reduced to 12½ per cent., and in the two next years the consumption was trebled, and in 1819 100 per cent. In 1742, the high duties on spirits ceased, in consequence of which the revenue was increased, and morals improved. Let it be remarked, that foreign spirits is one of the items in this bill, and which now pays a duty of 200 per cent. on the average, and the duty on which it is proposed again to increase—a duty which is in its nature prohibitory, and from which we now derive a revenue of upwards of $2,000,000. In 1787, Mr. Pitt reduced the duty on wine 50 per cent., by which the revenue was increased. The duty on coffee was increased in 1805 one-third, by which the revenue was diminished one-eighth, and in 1806, one-sixteenth. It was again, in 1808, reduced from two shillings to seven pence per cwt.; and the revenue, which, for three years preceding the reduction, had averaged only £166,000, increased to £195,000. In 1800, the duty on glass was doubled, but there was no increase of the revenue. In 1813, the duty on leather was doubled, which might have been expected to double the revenue derived from that source; but, although it had previously produced £394,000, it only produced half a million. The duty on wine, subsequently to the time I have before mentioned, was increased; and, in consequence of that increase, the revenue was diminished one-fourth. A similar instance has been cited, in the course of this discussion, in relation to the revenue of the United States, of an increase of revenue on wines, corresponding with the diminished duty. In France, in 1775, Mr. Turgot is said to have reduced the duty, &c., on fish, in the Paris market; but the revenue was not thereby in the least diminished. From the high duties proposed on the articles from which it is expected the deficiency in the revenue is to be supplied, it appears to me, if experience teaches any thing, the examples I have cited teach us to hope for nothing like an increase of revenue. Although Mr. Speaker is prepared to recommend an excise, I confess I feel some horror at the name of an exciseman; and nothing but a full conviction that nothing else would support the honor, the welfare, and safety, of my country, would induce me to send this odious class of public officers among the people.

I have incidentally shown the corrupting influence of this policy on the morals of the country, by enlisting the feelings of the people against the Government, and in favor of the smuggler, and by collecting people together in numbers; and on the liberty of the country, by its influence on the freedom of elections, and the means of defence by land and sea.

It now becomes my duty, said Mr. R., to examine some of the reasons which are supposed to demand this extraordinary interposition of the Government to rescue a large portion of the people, if not the nation, from degradation and ruin. The balance of trade with other nations, it is said, is against us, as appears from the Treasury reports, and books of the custom-houses. Indeed, the balance of trade has in this way appeared against us constantly, from the origin of our Government, and foreign nations continue to deal with us, and we are not ruined. The very suggestion is so ridiculous, that had it been confined to the Philadelphia mint of pamphlets on the tariff, where, I believe, it originated, I should not have deemed it worthy of notice; but, as it has been echoed and re-echoed within these walls, I propose to give it some examination. Suppose an American merchant exports from one of the ports of the United States a cargo estimated at the custom-house at $5,000, which he carries to the West Indies, and, in exchange, obtains the produce of that country, worth $10,000, and which, instead of bringing immediately home, he disposes of in some port of Europe for a cargo of merchandise valued at $20,000, which he imports to the very place which he had previously left with a cargo valued at $5,000. In this instance the balance of trade appears to be against us, as we have imported $15,000 more than we have exported; yet, $15,000 are gained to the nation. Suppose, again, the merchant exports a cargo valued at $10,000 where exported, and which, at the port of destination, he is compelled to sell for $5,000, with which he returns to the United States; here, it would appear, we are doing an excellent business, because a balance of $5,000 more is exported than imported, as appears on the books of the customhouse; yet the nation has lost $5,000. The fallacy of this thing is, that, when our trade is prosperous, the balance is always apparently against us, but when our trade is most disastrous, the balance appears in our favor, in the way I have mentioned. To this you must add many cases where nothing is exported of any value, and where things of value are imported, the products of mere labor. Two or three cases of that kind may be mentioned. We have upwards of 800,000 tons of tonnage engaged in foreign trade and which brings to those engaged in it about $70,000 per annum, which is acquired by mere industry, is imported in the produce or manufactures of other countries, and appears, on the books of the custom-house, that amount against us, in "the balance of trade." A quantity of ice is annually carried from the North to the West India Islands, which brings to the United States, in the produce of those islands, about $100,000, and in that case, also, as nothing is exported that can be valued at the custom-house, a balance of trade of $100,000 appears against us. A most profitable trade to the Pacific presents also a large item in that balance of trade. A fishing vessel leaves New England and proceeds to the South Sea, where, by fishing or trade in furs, she is enabled to make a voyage to the East Indies or China, and returns with a cargo valued at $100,000, when her export was nothing; and, this, again, swells the apparently unfavorable balance of trade.

It is said, sir, and triumphantly said, "Shall we purchase more than we sell, and purchase to a disadvantage?" The meaning of this is, Are we fools, and our creditors worse fools? When an individual purchases more than he can pay for, from a merchant, his credit soon ceases. Englishmen know too well their own interest to continue such a ruinous business, even if we were disposed to encourage it.

It is asked, shall we encourage foreign workmen? I answer, yes; if to our mutual advantage; and for the same reason that a man employs a neighboring mechanic to make his boots and shoes, instead of making them himself or having them made in his own family.

"Our country is said to be perpetually draining of specie." And what is specie but a mere commodity, which we exchange for something we want more? Recent accounts say that from the abundance of specie in England, the exportation of it to this country has commenced. Water accumulated at any certain point soon finds its level, so silver seeks the place of demand, for it passes in and out of a country by a thousand secret channels. From the estimates on this subject, we have been drained, since the commencement of this Government, of more specie than we ever had.

"We must be independent of foreign nations." What God has decreed, man vainly attempts to counteract. The dependence of nations and parts of a nation on each other are marked in the varieties of soil and of climate, and in the dispensations of Providence. Why does not the soil and climate of the North bear the products of the South, or the South yield the products of the North? Why is the crop in one country parched by drought or blighted by mildew, while that of another yields an abundant harvest? These all teach men and nations that they are and must be dependent on each other, and on Him who formed the earth and directs the seasons, and who rules the affairs of men and of nations. The wealthiest and most powerful man is made dependent sometimes on the humblest person in society. This dependence pervades creation, is found among beings rational and irrational; things animate and inanimate.

Some have alleged, or at least intimated, that England has sent goods here to destroy our infant manufactures. Who can believe such a strange suggestion? What nation could afford to do it, if willing? At the time when England is supposed to have made this attempt at the destruction of our manufactures, her people, like ours, suffered from the sudden transition from war to peace, and her manufactures were sacrificed in our markets, while her commerce and her agriculture suffered at home. The war found employment for a large portion of her people, not only in the armies, but in the formation of those manufactures necessary for the supply of the army. Peace not only diverted the whole force previously employed for the army to manufacture for exportation, but also found in possession of the manufacturer a stock on hand which the war had prevented him from exporting and vending. Our merchants rushed to supply the wants of the country by importation. Hence, a scene of universal distress, both in England and America, followed the transition from war to peace, involving all classes in the common misery, and the goods which the merchant or manufacturer were compelled to sacrifice at this period, are doubtless those which gentlemen have fancied imported for the destruction of our infant manufacturers. All classes of men and of industry feel the loss of the market war creates, and time alone restores the equilibrium. Time has done the work which it would be madness to destroy.

The examples of England, France, and Spain, have been mentioned to show the effects of this admirable policy recommended for our adoption. From the description, one would suppose that all the information we have heretofore received from every source, as to the situation of the people of England, was false, and that she had scarcely a beggar or a pauper in her dominions; that her agriculture, her commerce, and her manufactures, were in a most flourishing condition; while we are actually a starving, depressed, miserable people, whose commerce languishes, whose agriculture is depressed, and who implore the aid of Government to save them from utter ruin. We look in vain in this country for the original of such a picture, and a search in England for that unexampled prosperity depicted in such glowing colors, would be equally fruitless. England compared with some other nations of Europe is comparatively prosperous as a nation; while a large portion of her people are without rights and privileges, a poor, wretched, starved, miserable population. Does even the comparative happiness she enjoys proceed from protection to her industry? No, sir; her natural advantages have caused her to triumph over a mistaken policy which she would now abandon, if she dare, or if she could without the destruction of interests and institutions which her own laws have created, and which it would be unjust and impolitic at once to destroy. Opening her ports to the produce of other countries, and especially that of the United States, where, from the low price and good quality of the lands, we produce much with little labor, would at once force the agriculturists of that country, now cultivating inferior soil, to abandon it, from an inability to raise any thing at prices which would enable them to compete with us in the market. It would make her what she is destined to be from her situation, the density of her population, and natural advantages—a manufacturing nation; but must, at the same time, prostrate her agriculture. Such a sudden change would be dangerous and unwise. But one period perhaps has arrived within any recent time, and that a most calamitous one for agriculture, when she could with safety have repealed her corn laws, and that was when the unusual abundance of crops in the year 1816, reduced the price of corn nearly to that for which it could be imported. I have already shown that the best protection for our manufactures proceeds from her corn laws, and that the very best protection she could give to her manufactures would be to open her ports to the productions of other countries, by which the price of bread, of labor, and of her manufactures, would be reduced. Is it true that her manufactures have flourished from the protection extended to them by Government? Such is not the opinion of Mr. Lowe. [Here Mr. R. read, from page 168 of Mr. Lowe's work, a passage to show that, of the whole manufacturing productions of England, consumed at home and abroad, estimated at £123,000,000; the cotton, woollens, and hardware, which is the most profitable portion of them, and which received no protection from the Government, by duty, amounted to £80,000,000; while the chief protection had been extended to the manufacture of silks and laces, admitted to be unprofitable.] England owes her prosperity to her situation, which makes her a commercial nation; to the limited extent of her territory, which denies employment to her people in agriculture; to her system of Government, which is comparatively free; and to religious toleration. The persecutions of the Huguenots on the Continent, also, brought her the most learned and skilful men in Europe, with a knowledge of manufactures, which gave the first impetus to that branch of her industry, and, in proportion, depressed those of the countries from which they were banished.

France, admitted by Mr. Speaker to be the next most prosperous nation of Europe, could not be expected, when deprived of the advantages of situation possessed by England, to equal her in those things dependent on situation. In addition to this, France has long been the scene of the most desolating internal war, while she has waged a perpetual war with all the Powers of Europe, by which her progress in those things that flourish most in times of peace was necessarily retarded. But her people are comparatively happy, and are less burdened with taxes on the necessaries of life than the British subjects.

The example of Spain is most unfortunate for gentlemen who advocate this system of protection. Spain, among the most degraded, the most feeble, and the least prosperous of European nations, is, say the political writers, "a Government of imports, prohibitions, duties, and monopolies." The wealth of her foreign possessions, no doubt, contributed to hurl her from that eminence she once proudly occupied among the nations; but, as industry flourishes best when left free to pursue its own course, and seek its place of profitable employment, it is reasonable to suppose that restriction and prohibition contributed largely to crush and depress it.

Another evidence of a most deplorable state of things in this country is derived from a calculation that our exports do not increase in the ratio of our population, or, if they increase, are reduced in price. There is some satisfaction, even if this indicates a want of prosperity, which I am not willing to admit, that our population doubles under all those unfavorable circumstances attending our unhappy condition, in about twenty-five years and that of almost every other nation doubles in about a century. Let it be remembered, that a state of freedom and of plenty alone are favorable to a rapid increase of population. Is it not, let me ask, sir, reasonable to expect, when the peace of 1814, almost as universal as the war which preceded it, had turned millions from the destruction of their own species to the peaceful pursuits of industry, that the abundance in Europe created thereby should diminish their importations, and the price, especially of the products of agriculture?

Mr. Speaker says, if we had war on the continent of Europe we should have a market for our produce. So we should, because the employments of war, not of the soldier merely, as he constitutes but a small part of those to whom employment is given by war, would divert the attention of great numbers from the production of necessaries. It produces an unnatural excitement, and gives a factitious value to every thing. And hence the return of peace, which ought to bring nothing but blessings, brings in its train a reduction of the price of every thing, and bankruptcy and ruin on all classes. It is the most depressed and dangerous crisis in the existence of a nation, as we are too apt to apply legislative remedy for what time alone can heal. Another cause why our exports should be diminished in price, if the want of a demand abroad were not sufficient, is, that, from the vast quantity of public lands within our limits, and the preference men have for breathing the free air of the country, the ratio of our population engaged in agriculture increases more rapidly than that of those engaged in other pursuits, and with that increase the agricultural productions also increase, and with that is the diminution of price. Hence, as Mr. Speaker justly observes, the price of the produce of every section of the country is falling, and must continue to fall; and commerce also feels the same effects. From this languishing and suffering, Mr. Speaker would most graciously relieve us by his policy, as the aged, deformed, and sick, of some countries, are relieved, by giving a finishing blow to their existence. The only remedy that can be safely applied to such an evil is to live on our abundance, and bring our expenditures down to the means we possess.

The effect of this system which is designed to tax the sugar, the cotton, and tobacco planter, and the grower of rice in the South, for the benefit of other sections of the country supposed to be less prosperous, would, as I have shown, destroy our market; because, if we do not import we cannot expect to export; or, as Mr. Speaker would have it, "if we export we will import;" or if we buy nothing of them, (other nations,) they can buy nothing of us; or, as Mr. Speaker would have it, "if they buy nothing of us, we can buy nothing of them." But all parts would feel this wound, as the cautery applied to one part of the body affects the whole system. The North would feel it in her navigating interest, now employed in carrying those raw materials to other nations, and returning with their manufactures, and in the destruction of our market for her produce and her manufactures used in agriculture. I have already shown that it must cripple, if not prostrate, her commerce, her ship-building, and her trade with the West Indies.

With the West, it appears to me like a rebellion of the members against the body. It is true we export, but the amount received from those exports is only apparently larger in our favor, inasmuch as we are the consumers of your produce, dependent on you for our implements of husbandry, the means of sustaining life, and almost every thing except our land and negroes; all of which draws much from the apparent profits and advantages. In proportion as you diminish our exportations, you diminish our means of purchasing from you, and destroy your own market. You will compel us to use those advantages of soil and of climate which God and nature have placed within our reach, and to live, as to you, as you desire us to live as to foreign nations—dependent on our own resources. I have already attempted to show that this home market is all a fallacy. When we consider the few who must be employed in consequence of the improvements in machinery; the limited nature of your market, from the inability of your manufacturers to compete in foreign markets, is it not reasonable to suppose that, if Great Britain, from her own soil, supports a population of upwards of 21,000,000, a very small proportion of whom are engaged in agriculture, that Pennsysvania, or Ohio, alone, could furnish bread for the very small proportion of 10,000,000 of people in this country, to be engaged in manufactures? The greatest number, and even that exaggerated greatly beyond a correct estimate, which Mr. Speaker could employ on manufactures, was 500,000, and these are to consume the surplus products of twenty out of the twenty-seven States and Territories of the United States, with some fractions of the remaining seven, stated by Mr. Speaker to be grain growing States and Territories. The idea, then, of a home market, is without reason or truth. The effect of this system would only be felt in the immediate vicinity of the large manufacturing establishments. Can you manufacture in the West? The principal article manufactured heretofore in Kentucky is cotton bagging. In this, you are now protected by a duty of 20 per cent., to which is added the 10 per cent. in calculation of the duties, which would make the whole duty about 22½ per cent. You have also "ten acres of land for one in Europe, fit only for the cultivation of hemp;" it requires little capital to manufacture hemp; your navigable streams enable you to transport it at a small expense, to the market; yet, you are not able to compete, in our own markets, with Inverness and Dundee, (names I have heard so often they sound harshly in my ear,) who purchase the hemp raised by the "serfs" of Russia, transport it to Scotland, and there manufacture it; afterwards transport it to the United States, paying freight, insurance, commissions, and profits, in addition to the duty of about 22½ per cent. Does not this show that the evil lies deeper than want of protection? That, if you could manufacture, your manufactures are already sufficiently protected? We are willing, from the South, to submit to any thing to which, as a people, we ought to submit; but we are not willing to have the industry of our people taxed to enable your manufacturers to demand of us 50 per cent., the proposed duty, more than we give for the foreign fabric. When we examine the provisions of this bill, we understand you to mean by *protection*, nothing less than prohibition, and by "keeping you steady," the exclusion of foreign manufactures. But, sir, suppose the West procures the passage, do you suppose Brother Jonathan will not reap the advantages of it? The people of New England have the necessary capital, industry, economy, and density of population, all of which must precede manufactures. These will enable them to sell their manufactures under the very walls of your manufacturing establishments. They will not manufacture the cotton bagging alone, but raise the hemp, and drive you from our market. Against Inverness and Dundee, the duty, and the peculiar advantages of your situation, give you reasonable protection; but, against this domestic competition, you can neither ask nor have any protection from the Government, unless, in the folly of legislating the people into wealth, and creating markets, we should attempt to protect the several sections of the Union against the competition of the other.

Opinions have been mentioned, and among others, that of the Executive Magistrate of the nation. I regret the course his communications have pursued, in relation to this subject, because they are calculated to keep alive the restless spirit of those who are anxious to adopt the policy of other nations, by intimating that something can, and probably ought, to be done. "I would he were either hot or cold." "A judicious revision of the tariff" means nothing—as almost the only question is, What is a judicious revision? If he would declare for or against the tariff, in the shape it has for years past been presented to this House, and agitated the nation, we could give to that opinion such weight as we might suppose it entitled to have; but at present we have nothing tangible, no opinion to support us, and no opinion to combat. The opinions of the Emperor Alexander and of Napoleon cannot thus be mistaken; and, so far as the opinions of monarchs and despots are entitled to weight, support the tariff. Their principles and opinions in favor of what Mr. Speaker was pleased to call "an American policy," in opposition to what he calls "a foreign policy," is better suited to their own arbitrary Governments, than to our Government of laws. Experience is better than opinion, and experience shows that the American policy, which imposes duty for revenue merely, or what I have described as falling strictly within the meaning of protection, and which has hitherto been called an American policy, can, in a few years, elevate a nation to unexampled prosperity; while the foreign policy, attempted to be introduced in its place, may be safely left to arbitrary Governments and the oppressed of other nations. This fair American, the bantling of Mr. Speaker, was born, has grown to manhood, and approached old age, in a foreign country—is not yet naturalized here, and I hope never will be.

"Be of good cheer," ye tariff-men; in the end you will triumph. Let me assure gentlemen, that such a triumph must be of short duration. There is but a step between the throne and the scaffold. When the people shall have discovered that this home market is all a fallacy; that the cry for the protection of manufactures, and domestic industry, has been raised by those interested, or seeking to be interested in such establishments; that it is a triumph over that truly American policy which has made us great and happy; and has established in its place that policy which has ground down and oppressed the people of other nations; that it exposes their houses to the scrutinizing and hateful inspection of the exciseman, and the fruits of their industry to be wasted by the tax gatherer; that it contaminates the morals of the people, prostrates all the best interests of the country, and saps the foundation of its liberty, this triumph will soon end. This beautiful fabric, erected with so much care and industry, will bury in its ruins its most zealous advocates. From such a triumph, may Heaven, in infinite mercy, deliver this nation.

When Mr. R. concluded—

Mr. WEBSTER, of Massachusetts, took the floor and continued his observations till past 3 o'clock, whan he gave way for a motion that the Committee rise.

The House then adjourned.

FRIDAY, April 2.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Charles Gwynn, of Baltimore," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act supplementary to an act to perfect certain locations and sales of the lands in Missouri, passed April 26, 1822," reported that, in the opinion of the committee, the said bill ought not to pass; and the bill was committed to a Committee of the Whole.

Mr. WRIGHT, from the Committee to which was referred a Message from the President of the United States, in relation to the title of the United Brethren for propagating the Gospel among the Heathen, to certain tracts of land, made a report, accompanied by a bill providing for the disposition of three several tracts of land, in Tuscarawas county, in the State of Ohio, and for other purposes; which bill was read twice, and committed to a Committee of the whole House to-morrow.

The bill from the Senate, entitled "An act concerning certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes," was read twice, and ordered to be read a third time to-morrow.

The bill from the Senate, entitled "An act altering the times of holding the courts of the District of Columbia," was read twice, and ordered to be read a third time to-day.

The Committee of the whole House to which is committed the bill to authorize the executors of John B. Mebane to collect certain arrears of internal tax, were discharged from the further consideration of the same, and the bill was ordered to be engrossed, and read a third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824," with amendments. The Senate have also passed a bill, entitled "An act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in St. Helena and Jackson Courthouse land districts;" in which amendments and last mentioned bill they ask the concurrence of this House.

The bill from the Senate, entitled "An act altering the time for holding the courts in the District of Columbia," was read the third time; when a motion was made, by Mr. LITTLE, that the bill be laid on the table.

THE TARIFF BILL.

The House then went into Committee of the Whole, on the bill "to amend the several acts laying duties on imports," Mr. CONDICT in the Chair.

Mr. WEBSTER resumed and concluded his speech on the general principles of the bill, and in opposition to its passage in its present shape. His speech follows entire:

Mr. Chairman: I will avail myself of the present occasion to make some remarks on certain principles and opinions which have been recently advanced, and on those considerations which, in my judgment, ought to govern us in deciding upon the several and respective parts of this very important and complex measure. I can truly say that this is a painful duty. I deeply regret the necessity, which is likely to be imposed upon me, of giving a general affirmative or negative vote on the whole of the bill. I cannot but think this mode of proceeding liable to great objections. It exposes both those who support, and those who oppose, the measure, to very unjust and injurious misapprehensions. There may be good reasons for favoring some of the provisions of the bill, and equally strong reasons for opposing others; and these provisions do not stand to each other in the relation of principal and incident. If that were the case, those who are in favor of the principal might forego their opinions upon incidental and subordinate provisions. But the bill proposes enactments entirely distinct, and different from one another in character and tendency. Some of its clauses are intended merely for revenue; and, of those which regard the protection of home manufactures, one part stands upon very different grounds from those of other parts. So that probably every gentleman who may ultimately support the bill, will vote for much which his judgment does not approve; and those who oppose it, will oppose something which they would very gladly support.

Being intrusted with the interests of a district highly commercial, and deeply interested in manufactures also, I wish to state my opinions on the present measure; not as on a whole, for it has no entire and homogeneous character; but as on a collection of different enactments, some of which meet my approbation, and some of which do not.

And allow me, sir, in the first place, to state my regret, if, indeed, I ought not to express a warmer sentiment, at the names, or designations, which Mr. Speaker has seen fit to adopt for the purpose of describing the advocates and the opposers of the present bill. It is a question, he says, between the friends of an "American policy," and those of a "foreign policy." This, sir, is an assumption which I take the liberty most directly to deny. Mr. Speaker certainly intended nothing invidious or derogatory to any part of the House by this mode of denominating friends and enemies. But there is power in names, and this manner of distinguishing those who favor and those who oppose particular measures, may lead to inferences to which no member of the House can submit. It may imply that there is a more exclusive and peculiar regard to American interests in one class of opinions than in another. Such an implication is to be resisted and repelled. Every member has a right to the presumption that he pursues what he believes to be the interest of his country, with as sincere a zeal as any other member. I claim this in my own case; and, while I shall not, for any purpose of description, or convenient arrangement, use terms which may imply any disrespect to other men's opinions, much less any imputations of other men's motives, it is my duty to take care that the use of such terms by others, be not, against the will of those who adopt them, made to produce a false impression. Indeed, sir, it is a little astonishing, if it seemed convenient to Mr. Speaker, for the purposes of distinction, to make use of the terms "American policy," and "foreign policy," that he should not have applied them in a manner precisely the reverse of that in which he has in fact used them. If names are thought necessary, it would be well enough, one would think, that the name should be, in some measure, descriptive of the thing; and since Mr. Speaker denominates the policy which he recommends "a new policy in this country;" since he speaks of the present measure as a new era in our legislation; since he professes to invite us to depart from our accustomed course, to instruct ourselves by the wisdom of others, and to adopt the policy of the most distinguished foreign States, one is a little curious to know with what propriety of speech this imitation of other nations is denominated an "American policy," while, on the contrary, a preference for our own established system, as it now actually exists, and always has existed, is called a "foreign policy." This favorite American policy is what America has never tried; and this odious foreign policy is what, as we are told, foreign States have never pursued. Sir, that is the truest American policy which shall most usefully employ American capital, and American labor, and best sustain the whole population. With me it is a fundamental axiom, it is interwoven with all my opinions, that the great interests of the country are united and inseparable; that agriculture, commerce, and manufactures, will prosper together, or languish together; and that all legislation is dangerous which proposes to benefit one of these without looking to consequences which may fall on the others.

Passing from this, sir, I am bound to say that Mr. Speaker began his able and impressive speech at the proper point of inquiry; I mean the present state and condition of the country; although I am so unfortunate, or rather, although I am so happy, as to differ from him very widely in regard to that condition. I dissent entirely from the justice of that picture of distress which he has drawn. I have not seen the reality, and know not where it exists. Within my observation there is no cause for so gloomy and terrifying a representation. In respect to the New England States, with the condition of which I am, of course, most acquainted, the present appears to me a period of very general prosperity. Not, indeed, a time for great profits and sudden acquisition; not a day of extraordinary activity and successful speculation. There is, no doubt, a considerable depression of prices, and, in some degree, a stagnation of business. But the case presented by Mr. Speaker was not one of depression, but of distress; of universal, pervading, intense distress, limited to no class, and to no place. We are represented as on the very verge and brink of national ruin. So far from acquiescing in these opinions, I believe there has been no period in which the general prosperity was better secured, or rested on a more solid foundation. As applicable to the Eastern States, I put this remark to their Representatives, and ask them if it is not true. When has there been a time in which the means of living have been more accessible and more abundant? when labor was rewarded, I do not say with a larger, but with a more certain success? Profits, indeed, are lower; in some pursuits of life, which it is not proposed to benefit, but to burden, by this bill, very low. But still I am unacquainted with any proofs of extraordinary distress. What, indeed, are the general indications of the state of the country? There is no famine nor pestilence in the land, nor war, nor desolation. There is no writhing under the burden of taxation. The means of subsistence are abundant; and at the very moment when the miserable condition of the country is asserted, it is admitted that the wages of labor are high, in comparison with those of any other country. A country, then, enjoying a profound peace, a perfect civil liberty, with the means of subsistence cheap and abundant, with the reward of labor sure, and its wages higher than anywhere else, cannot be represented in gloom, melancholy, and distress, but by the effort of extraordinary powers of tragedy.

Even if, in judging of this question, we were to regard only those proofs to which we have been referred, we shall probably come to a conclusion somewhat different from that which has been drawn. Our exports, for example, although certainly less than in some years, were not, last year, so much below an average, formed upon the exports of a series of years, and putting those exports at a fixed value, as might be supposed. The exports of agricultural products, of animals, if the products of the forest, of the sea, together with gunpowder, spirits, and sundry unenumerated articles, amounted, in the several years, to the following sums, viz:

In 1790	$27,716,152
1804	33,842,316
1807	38,465,854

Coming up, now, to our own times, and taking the exports of the years 1821, 1822, and 1823, of the same articles and products, at the same prices, they stand thus:

In 1821	$45,643,175
1822	48,782,295
1823	55,863,491

Mr. Speaker has taken the very extraordinary year of 1803, and, adding to the exportation of that year, what he thinks ought to have been a just augmentation, in proportion to the increase of our population, he swells the result to a magnitude, which, when compared with our actual exports, would exhibit a great deficiency. But is there any justice in this mode of calculation? In the first place, as before observed, the year 1803 was a year of extraordinary exportation. By reference to the accounts, that of the article of flour, for example, there was an export that year of 1,300,000 barrels; but the very next year it fell to 800,000, and the next year to 700,000. In the next place, there never was any reason to expect that the increase of our exports of agricultural products, would keep pace with the increase of our population. That would be against all experience. It is, indeed, most desirable, that there should be an augmented demand for the products of agriculture; but, nevertheless, the official returns of our exports do not show that absolute want of all foreign market, which has been so strongly stated.

But there are other means by which to judge of the general condition of the people. The quantity of the means of subsistence consumed, or, to make use of a phraseology better suited to the condition of our own people, the quantity of the comforts of life enjoyed, is one of those means. It so happens, indeed, that it is not so easy in this country, as elsewhere, to ascertain facts, of this sort, with accuracy. Where most of the articles of subsistence and most of the comforts of life are taxed, there is, of course, great facility in ascertaining, from official statements, the amount of consumption. But in this country, most fortunately, the Government neither knows, nor is concerned to know, the annual consumption; and estimates can only be formed in another mode, and in reference only to a few articles. Of these articles, tea is one. Its use is not quite a luxury, and yet is something above the absolute necessaries of life. Its consumption, therefore, will be diminished in times of adversity, and augmented in times of prosperity. By deducting the annual export from the annual import, and taking a number of years together, we may arrive at a probable estimate of consumption. The average of eleven years, from 1790 to 1800, inclusive, will be found to be two millions and a half of pounds. From 1801 to 1812, inclusive, three millions seven hundred thousand; and the average of the last three years, to wit, 1821, 1822, and 1823, five millions and a half. Having made a just allowance for the increase of our numbers, we shall still find, I think, from these statements, that there is no distress which has limited our means of subsistence and enjoyment.

In forming an opinion of the degree of general prosperity, we may regard, likewise, the progress of internal improvements, the investment of capital in roads, bridges, and canals. All these prove a balance of income over expenditure; they are evidence that there is a surplus of profits, which the present generation is usefully vesting for the benefit of the next. It cannot be denied that, in this particular, the progress of the country is steady and rapid.

We may look, too, to the expenses of education. Are our colleges deserted? Do fathers find themselves less able than usual to educate their children? It will be found, I imagine, that the amount paid for the purpose of education is constantly increasing, and that the schools and colleges were never more full than at the present moment. I may add that the endowment of public charities, the contributions to objects of general benevolence, whether foreign or domestic, the munificence of individuals towards what ever promises to benefit the community, are all so many proofs of national prosperity. And, finally, there is no defalcation of revenue, no pressure of taxation.

The general result, therefore, of a fair examination of the present condition of things, seems to me to be that there is a considerable depression of prices and curtailment of profit; and, in some parts of the country, it must be admitted there is a great degree of pecuniary embarrassment, arising from the difficulty of paying debts which were contracted when prices were high. With these qualifications, the general state of the country may be said to be prosperous; and these are not sufficient to give to the whole face of affairs any appearance of general distress.

Supposing the evil, then, to be a depression of prices, and a partial pecuniary pressure, the next inquiry is into the causes of that evil; and it appears to me that there are several; and, in this respect, I think, too much has been imputed, by Mr. Speaker, to the single cause of the diminution of exports. Connected, as we are, with all the commercial nations of the world, and having observed great changes to take place elsewhere, we should consider whether the causes of those changes have not reached us, and whether we are not suffering by the operation of those causes, in common with others. Undoubtedly there has been a great fall in the price of all commodities throughout the commercial world, in consequence of the restoration of a state of peace. When the allies entered France in 1814, prices rose astonishingly fast and very high. Colonial produce, for instance, in the ports of this country, as well as elsewhere, sprung up suddenly from the lowest to the highest extreme. A new and vast demand was created for the commodities of trade. These were the natural consequences of the great political changes which then took place in Europe.

We are to consider, too, that our own war created new demand, and that a Government expenditure of 25,000,000 or 30,000,000 a year, had the usual effect of enhancing prices. We are obliged to add, that the paper issues of our banks carried the same effect still further. A depreciated currency existed in a great part of the country—depreciated to such an extent as that, at one time, exchange between the centre and the north, was as high as 20 per cent. The Bank of the United States was instituted to correct this evil; but, for causes which it is not necessary now to enumerate, it did not, for some years, bring back the currency of the country to a sound state. This depreciation of the circulating currency was so much, of course, added to the nominal prices of commodities, and these prices thus unnaturally high, seemed, to those who looked only at the appearance, to indicate great prosperity. But such prosperity is more specious than real. It would have been better, probably, as the shock would have been less, if prices had fallen sooner. At length, however, they fell; and, as there is little doubt that certain events in Europe had an influence in determining the time at which this fall should take place, I will advert shortly to some of the principal of those events.

In May, 1819, the British House of Commons decided, by an unanimous vote, that the resumption of cash payments by the Bank of England should not be deferred beyond the ensuing February. The restriction had been continued from time to time, and from year to year, Parliament always professing to look to the restoration of a specie currency, whenever it should be found practicable. Having been in July, 1818, continued to July, 1819, it was understood that, in the interim, the important question of the time at which cash payments should be resumed, should be finally settled. In the latter part of the year '18, the circulation of the bank had been greatly reduced, and a severe scarcity of money was felt in the London market. Such was the state of things in England. On the Continent, other important events took place. The French Indemnity Loan had been negotiated in the Summer of 1818, and the proportion of it belonging to Austria, Russia, and Prussia, had been sold. This created an unusual demand for gold and silver in these Eastern States of Europe. It has been stated, that the amount of the precious metals transmitted to Austria and Russia in that year, was at least twenty millions sterling. Other large sums were sent to Prussia and to Denmark. The effect of this sudden drain of specie, felt first at Paris, was communicated to Amsterdam and Hamburg, and all other commercial places in the north of Europe.

The paper system of England had certainly communicated an artificial value to property. It had encouraged speculation, and excited overtrading. When the shock therefore came, and this violent pressure for money acted at the same moment on the Continent and in England, inflated and unnatural prices could be kept up no longer. A reduction took place, which has been estimated to have been at least equal to a fall of 30, if not 40 per cent. The depression was universal; and the change was felt in the United States severely, though not equally so in every part of them. There are those, I am aware, who maintain that the events to which I have alluded did not cause the great fall of prices; but that that fall was natural and inevitable, from the previously existing state of things, the abundance of commodities, and the want of demand. But that would only prove that the effect was produced in another way, rather than by another cause. If these great and sudden calls for money did not reduce prices, but prices fell, as of themselves, to their natural state, still the result is the same; for we perceive that after these new calls for money, prices could not be kept longer at their unnatural height.

About the time of these foreign events, our own bank system underwent a change; and all these causes, in my view of the subject, concurred to produce the great shock which took place in our commercial cities, and through many parts of the country. The year 1819 was a year of numerous failures, and very considerable distress, and would have furnished far better grounds than exist at present, for that gloomy representation of our condition which has been presented. Mr. Speaker has alluded to the strong inclination which exists, or has existed, in various parts of the country to issue paper money, as a proof of great existing difficulties. I regard it rather as a very productive cause of those difficulties; and the Committee will not fail to observe, that there is, at this moment, much the loudest complaint of distress precisely where there has been the greatest attempt to relieve it by systems of paper credit. And, on the other hand, content, prosperity, and happiness, are most observable in those parts of the country, where there has been the least endeavor to administer relief by law. In truth, nothing is so baneful, so utterly ruinous to all true industry, as interfering with the legal value of money, or attempting to raise artificial standards to supply its place. Such remedies suit well the spirit of extravagant speculation, but they sap the very foundation of all honest acquisition. By weakening the security of property, they take away all motive for exertion. Their effect is to transfer property. Whenever a debt is allowed to be paid by any thing less valuable than the legal currency in respect to which it was contracted, the difference, between the value of the paper given in payment and the legal currency, is precisely so much property taken from one man and given to another, by legislative enactment. When we talk, therefore, of protecting industry, let us remember that the first measure for that end, is to secure it in its earnings; to assure it that it shall receive its own. Before we invent new modes of raising prices, let us take care that existing prices are not rendered wholly unavailable, by making them capable of being paid in depreciated paper. I regard, sir, this issue of irredeemable paper as the most prominent and deplorable cause of whatever pressure still exists in the country; and, further, I would put the question to the members of this Committee, whether it is not from that part of the people who have tried this paper system, and tried it to their cost, that this bill receives the most earnest support? And I cannot forbear to ask, further, whether this support does not proceed rather from a general feeling of uneasiness under the present condition of things, than from the clear perception of any benefit which the measure itself can confer? Is not all expectation of advantage centered in a sort of vague hope, that change may produce relief? Debt certainly presses hardest, where prices have been longest kept up by artificial means. They find the shock lightest, who take it soonest; and I fully believe that, if those parts of the country which now suffer most, had not augmented the force of the blow by deferring it, they would have now been in a much better condition than they are. We may assure ourselves, once for all, sir, that there can be no such thing as payment of debts by legislation. We may abolish debts indeed; we may transfer property, by visionary and violent laws. But we deceive both ourselves and our constituents, if we flatter, either ourselves or them, with the hope that there is any relief against whatever pressure exists, but in economy and industry. The depression of prices and the stagnation of business, have been in truth the necessary result of circumstances. No Government could prevent them, and no Government can altogether relieve the people from their effect. We had enjoyed a day of extraordinary prosperity; we had been neutral while the world was at war, and had found a great demand for our products, our navigation, and our labor. We had no right to expect that that state of things would continue always. With the return of peace, foreign nations would struggle for themselves, and enter into competition with us in the great objects of pursuit.

Now, sir, what is the remedy for existing evils? what is the course of policy suited to our actual condition? Certainly it is not our wisdom to adopt any system that may be offered to us without examination, and in the blind hope that whatever *changes* our condition may improve it. It is better that we should

"Bear those ills we have,
Than fly to others that we know not of."

We are bound to see that there is a fitness and an aptitude in whatever measures may be recommended to relieve the evils that afflict us; and before we adopt a system that professes to make great alterations, it is our duty to look carefully to each leading interest of the community, and see how it may probably be affected by our proposed legislation.

And, in the first place, what is the condition of our commerce? Here we must clearly perceive that it is not enjoying that rich harvest which fell to its fortune during the continuance of the European wars. It has been greatly depressed, and limited to small profits. Still, it is elastic and active, and seems capable of recovering itself in some measure from its depression. The shipping interest, also, has suffered severely, still more severely, probably, than commerce. If any thing should strike us with astonishment, it is that the navigation of the United States should be able to sustain itself. Without any Government protection whatever, it goes abroad to challenge competition with the whole world; and, in spite of all obstacles, it has yet been able to maintain 800,000 tons in the employment of foreign trade. How, sir, do the ship-owners and navigators accomplish this? How is it that they are able to meet, and in some measure overcome, universal competition? Not, sir, by protection and bounties; but by unwearied exertion, by extreme economy, by unshaken perseverance, by that manly and resolute spirit which relies on itself to protect itself. These causes alone enable American ships still to keep their element, and show the flag of their country in distant seas. The rates of insurance may teach us how thoroughly our ships are built, and how skilfully and safely they are navigated. Risks are taken, as I learn, from the United States to Liverpool, at one per cent.; and from the United States to Canton and back, as low as three per cent. But when we look to the low rate of freight, and when we consider, also, that the articles entering into the composition of a ship, with the exception of wood, are dearer here than in other countries, we cannot but be utterly surprised that the shipping interest has been able to sustain itself at all. I need not say that the navigation of the country is essential to its honor and its defence. Yet, instead of proposing benefit for it in this hour of its depression, we propose by this measure to lay upon it new and heavy burdens. In the discussion, the other day, of that provision of the bill which proposes to tax tallow for the benefit of the oil merchants and whalemen, we had the pleasure of hearing eloquent eulogiums upon that portion of our shipping employed in the whale fishery, and strong statements of its importance to the public interest. But the same bill proposes a severe tax upon that interest for the benefit of the iron manufacturer and the hemp grower. So that the tallow chandlers and soap boilers are sacrificed to the oil merchants, in order that these again may contribute to the manufacturers of iron and the growers of hemp.

If such be the state of our commerce and navigation, what is the condition of our home manufactures? How are they amidst the general depression? Do they need further protection? and if any, how much? On all these points, we have had much general statement, but little precise information. In the very elaborate speech of Mr. Speaker, we are not supplied with satisfactory grounds of judging in these various particulars. Who can tell, from any thing yet before the Committee, whether the proposed duty be too high or too low on any one article? Gentlemen tell us that they are in favor of domestic industry; so am I. They would give it protection; so would I. But then all domestic industry is not confined to manufactures. The employments of agriculture, commerce, and navigation, are all branches of the same domestic industry; they all furnish employment for American capital and American labor. And when the question is, whether new duties shall be laid, for the purpose of giving further encouragement to particular manufactures, every reasonable man must ask himself, both, whether the proposed new encouragement be necessary, and, whether it can be given without injustice to other branches of industry.

It is desirable to know, also, somewhat more distinctly, how the proposed means will produce the intended effect. One great object proposed, for example, is, the increase of the home market for the consumption of agricultural products. This certainly is much to be desired; but what provisions of the bill are expected wholly, or principally, to produce this, is not stated. I would not suggest that some increase of the home market may not follow from the adoption of this bill, but all its provisions have not an equal tendency to produce this effect. Those manufactures which employ most labor, create of course, most demand for articles of consumption; and those create least, in the production of which capital and skill enter as the chief ingredients of cost. I cannot, sir, take this bill, merely because a committee has recommended it. I cannot espouse a side and fight under a flag. I wholly repel the idea, that we must take this law, or pass no law on the subject. What should hinder us from exercising our own judgments upon these provisions, singly and severally? Who has the power to place us, or why should we place ourselves in a condition where we cannot give to every measure, that is distinct and separate in itself, a separate and distinct consideration? Sir, I presume no member of the Committee will withhold his assent from what he thinks right, until others will yield their assent to what they think wrong. There are many things in this bill acceptable probably to the general sense of the House. Why should not these provisions be passed into a law, and others left to be decided upon their own merits, as a majority of the House shall see fit? To some of these provisions I am myself decidedly favorable; to others I have great objections; and I should have been very glad of an opportunity of giving my own vote distinctly on propositions, which are, in their own nature, essentially and substantially distinct from one another.

But, sir, before expressing my own opinion upon the several provisions of this bill, I will advert for a moment to some other general topics. We have heard much of the policy of England, and her example has been repeatedly urged upon us, as proving, not only the expediency of encouragement and protection, but of exclusion and direct prohibition also. I took occasion the other day to remark, that more liberal notions were growing prevalent on this subject; that the policy of restraints and prohibitions was getting out of repute, as the true nature of commerce became better understood; and that, among public men, those most distinguished, were most decided in their reprobation of the broad principle of exclusion and prohibition. Upon the truth of this representation, as matter of fact, I supposed there could not be two opinions among those who had observed the progress of political sentiment in other countries, and were acquainted with its present state. In this respect, however, it would seem, that I was greatly mistaken. We have heard it again and again declared, that the English Government still adheres, with immovable firmness, to its old doctrines of prohibition; that although journalists, theorists, and scientific writers, advance other doctrines, yet the practical men, the legislators, the government of the country, are too wise to follow them. It has even been most sagaciously hinted, that the promulgation of liberal opinions on these subjects, is intended only for a delusion upon other nations, to cajole them into the folly of liberal ideas, while England retains to herself all the benefits of the admirable old system of prohibition. We have heard from Mr. Speaker a warm commendation of the complex mechanism of this system. The British Empire, it is said, is, in the first place, to be protected against the rest of the world; then the British isles against the colonies; next, the isles respectively against each other—England herself, as the heart of the empire, being protected most of all, and against all.

Truly, sir, it appears to me, that Mr. Speaker's imagination has seen system, and order, and beauty, in that, which is much more justly considered as the result of ignorance, partiality, or violence. This part of English legislation has resulted, partly from considering Ireland as a conquered country, partly from the want of a complete union, even with Scotland, and partly from the narrow views of colonial regulation, which in early and uninformed periods, influenced the European States.

And, sir, I imagine, nothing would strike the public men of England more singularly, than to find gentlemen of real information, and much weight, in the councils of this country, expressing sentiments like these, in regard to the existing state of these English laws. I have never said, indeed, that prohibitory laws did not exist in England; we all know they do; but the question is, does she owe her prosperity and greatness to these laws? I venture to say, that such is not the opinion of the public men now in England, and the continuance of the laws, even without any alteration, would not be evidence that their opinion is different from what I have represented it; because the laws having existed long, and great interests having been built up on the faith of them, they cannot now be repealed, without great and overwhelming inconvenience. Because a thing has been wrongly done, it does not therefore follow that it can now be undone; and this is the reason, as I understand it, upon which exclusion, prohibition, and monopoly, are suffered to remain in any degree in the English system; and for the same reason, it will be wise in us to take our measures, on all subjects of this kind, with great caution. We may not be able, but at the hazard of much injury to individuals, hereafter to retrace our steps. And yet, whatever is extravagant, or unreasonable, is not likely to endure. There may come a moment of strong re-action; and if no moderation be shown in laying on duties, there may be little scruple in taking them off. It may here be observed, that there is a broad and marked distinction between entire prohibition, and reasonable encouragement. It is the one thing by duties or taxes on foreign articles, to awaken a home competition in the production of the same articles; it is another thing to remove all competition by a total exclusion of the foreign article; and it is quite another thing still, by total prohibition, to raise at home, manufactures not suited to the climate, the nature of the country, or the state of the population. These are substantial distinctions, and although it may not be easy, in every case, to determine which of them applies to a given article, yet, the distinctions themselves exist, and in most cases, will be sufficiently clear to indicate the true course of policy; and, unless I have greatly mistaken the prevailing sentiment in the councils of England, it grows every day more and more favorable to the diminution of restrictions, and to the wisdom of leaving much (I do not say every thing, for that would not be true) to the enterprise and the discretion of individuals. I should certainly not have taken up the time of the Committee to state at any length the opinions of other Governments, or of the public men of other countries, upon a subject like this; but an occasional remark made by me the other day, having been so directly controverted, especially by Mr. Speaker, in his observations yesterday, I must take occasion to refer to some proofs of what I have stated.

What, then, is the state of English opinion? Every body knows that, after the termination of the late European war, there came a time of great pressure in England. Since her example has been quoted, let it be asked in what mode her Government sought relief. Did it aim to maintain artificial and unnatural prices? Did it maintain a swollen and extravagant paper circulation? Did it carry further the laws of prohibition and exclusion? Did it draw closer the cords of colonial restraint? No, sir, but precisely the reverse. Instead of relying on legislative contrivances and artificial devices, it trusted to the enterprise and industry of the people; which it sedulously sought to excite, not by imposing restraint, but by removing it, wherever its removal was practicable. In May, 1820, the attention of the Government having been much turned to the state of foreign trade, a distinguished member* of the House of Peers brought forward a parliamentary motion upon that subject, followed by an ample discussion, and a full statement of his own opinions. In the course of his remarks, he observed,

> "That there ought to be no prohibitory duties, as such; for that it was evident, that where a manufacture could not be carried on, or a production raised, but under the protection of a prohibitory duty, that manufacture or that produce could not be brought to market but at a loss. In his opinion, the name of strict prohibition might, therefore, in commerce, be got rid of altogether; but he did not see the same objection to protecting duties, which, while they admitted of the introduction of commodities from abroad similar to those which we ourselves manufactured, placed them so much on a level, as to allow a competition between them." "No axiom," he added, "was more true than this: that it was by growing what the territory of a country could grow most cheaply, and by receiving from other countries what it could not produce except at too great an expense, that the greatest degree of happiness was to be communicated to the greatest extent of population."

In assenting to the motion, the first Minister† of the Crown expressed his opinion of the great advantage resulting from unrestricted freedom of trade.

> "Of the soundness of that general principle," he observed, "I can entertain no doubt. I can entertain no doubt of what would have been the great advantages to the civilized world, if the system of unrestricted trade had been acted upon by every nation, from the earliest period of its commercial intercourse with its neighbors. If to those advantages there could have been any exceptions, I am persuaded that they would have been but few; and I am also persuaded that the cases to which they would have referred, would not have been, in themselves, connected with the trade and commerce of England. But we are now in a situation in which I will not say that a reference to the principle of unrestricted trade can be of no use, be-

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* Lord Lansdowne. † Lord Liverpool.

cause such a reference may correct erroneous reasoning; but in which it is impossible for us, or for any country in the world, but the Untied States of America, to act unreservedly on that principle. The commercial regulations of the European world have been long established, and cannot suddenly be departed from."

Having supposed a proposition to be made to England, by a foreign State, for free commerce and intercourse, and an unrestricted exchange of agricultural products, and of manufactures, he proceeds to observe:

"It would be impossible to accede to such a proposition. We have risen to our present greatness under a different system. Some suppose that we have risen in consequence of that system; others of whom I am one, believe that we have risen in spite of that system. But, whichever of these hypotheses be true, certain it is, that we have risen under a very different system than that of free and unrestricted trade. It is utterly impossible, with our debt and taxation, even if they were but half their existing amount, that we can suddenly adopt the system of free trade."

Lord Ellenborough, in the same debate, said,

"That he attributed the general distress then existing in Europe, to the regulations that had taken place since the destruction of the French power. Most of the States on the Continent had surrounded themselves as with walls of brass, to inhibit intercourse with other States. Intercourse was prohibited, even in districts of the same State, as was the case in Austria and Sardinia. Thus, though the taxes on the people had been lightened, the severity of their condition had been increased. He believed that the discontent which pervaded most parts of Europe, and especially Germany, was more owing to commercial restrictions, than to any theoretical doctrines on Government; and that a free communication among them would do more to restore tranquillity, than any other step that could be adopted. He objected to all attempts to frustrate the benevolent intentions of Providence, which had given to various countries various wants, in order to bring them together. He objected to it as antisocial; he objected to it, as making commerce the means of barbarizing, instead of enlightening nations. The state of the trade with France was the most disgraceful to both countries; the two greatest civilized nations of the world, placed at a distance of scarcely twenty miles from each other, had contrived, by their artificial regulations, to reduce their commerce with each other to a mere nullity."

Every member, speaking on this occasion, agreed in the general sentiments favorable to unrestricted intercourse, which had thus been advanced; one of them remarking, at the conclusion of the debate, that "the principles of free trade, which he 'was happy to see so fully recognised, were of the 'utmost consequence; for, though, in the present 'circumstances of the country, a free trade was 'unattainable, yet their task hereafter was to approximate to it. Considering the prejudices and 'interests which were opposed to the recognition 'of that principle, it was no small indication of 'the firmness and liberality of Government, to 'have so fully conceded it."

Sir, we have seen, in the course of this discussion, that several gentlemen have expressed their high admiration of the silk manufacture of England. Its commendation was begun, I think, by the honorable member from Vermont, who sits near me, who thinks that that alone gives conclusive evidence of the benefits produced by attention to manufactures, inasmuch as it is a great source of wealth to the nation, and has amply repaid all the costs of its protection. Mr. Speaker's approbation of this part of the English example, was still warmer. Now, sir, it does so happen, that both these gentlemen differ very widely on this point, from the opinions entertained in England, by persons of the first rank, both of knowledge and of power. In the debate to which I have already referred, the proposer of the motion urged the expediency of providing for the admission of the silks of France into England.

"He was aware," he said, "that there was a poor and industrious body of manufacturers, whose interests must suffer by such an arrangement; and therefore he felt that it would be the duty of Parliament to provide for the present generation, by a large parliamentary grant. It was conformable to every principle of sound justice to do so, when the interests of a particular class were sacrificed to the good of the whole."

In answer to these observations, Lord Liverpool said that, with reference to several branches of manufactures, time, and the change of circumstances, had rendered the system of protecting duties merely nominal; and that, in his opinion, if all the protecting laws which regarded both the woollen and cotton manufactures, were to be repealed, no injurious effects would thereby be occasioned.

"But," he observes, "with respect to silk, that manufacture in this kingdom is so completely artificial, that any attempt to introduce the principles of free trade with reference to it, might put an end to it altogether. I allow that the silk manufacture is not natural to this country. I wish we had never had a silk manufactory. I allow that it is natural to France; I allow, that it might have been better, had each country adhered exclusively to that manufacture, in which each is superior; and had the silks of France been exchanged for British cottons. But I must look at things as they are; and when I consider the extent of capital, and the immense population, consisting, I believe, of about 50,000 persons engaged in our silk manufacture, I can only say, that one of the few points in which I totally disagree with the proposer of the motion, is the expediency, under existing circumstances, of holding out any idea, that it would be possible to relinquish the silk manufacture, and to provide for those who live by it, by parliamentary enactment. Whatever objections there may be to the continuance of the protecting system, I repeat, that it is impossible altogether to relinquish it. I may regret that the system was ever commenced; but, as I cannot recall that act, I must submit to the inconvenience by which it is attended, rather than expose the country to evils of greater magnitude."

Let it be remembered, sir, that these are not the sentiments of a theorist, nor the fancies of speculation; but the operative opinions of the first Minister of England, acknowledged to be one of the ablest and most practical statesmen of his country. Sir, gentlemen could have hardly been more unfortunate than in the selection of the silk manufacture in England, as an example of the beneficial effects of that system which they would recommend. It is, in the language which I have quoted, completetly artificial. It has been sustained by I know not how many laws, breaking in upon the plainest principles of general expediency. At the last session of Parliament, the manufacturers petitioned for the repeal of three or four of these statutes, complaining of the vexatious restrictions which they impose on the wages of labor; setting forth, that a great variety of orders has from time to time been issued by magistrates under the authority of these laws, interfering, in an oppressive manner, with the minutest details of the manufacture; such as limiting the number of threads to an inch; restricting the widths of many sorts of work; and determining the quantity of labor not to be exceeded without extra wages; that by the operation of these laws, the rate of wages, instead of being left to the recognised principles of regulation, has been arbitrarily fixed by persons whose ignorance renders them incompetent to a just decision; that masters are compelled by law to pay an equal price for all work, whether well or ill performed; and that they are totally prevented the use of improved machinery, it being ordered, that work, in the weaving of which machinery is employed, shall be paid precisely at the same rate as if done by hand; that these acts have frequently given rise to the most vexatious regulations, the unintentional breach of which has subjected manufacturers to ruinous penalties; and that, the introduction of all machinery being prevented, by which labor might be cheapened, and the manufacturers being compelled to pay at a fixed price, under all circumstances, they are prevented from affording employment to their workmen, in times of stagnation of trade, but are compelled to stop their looms. And finally, they complain, that, notwithstanding these grievances under which they labor, while carrying on their manufacture in London, the law still prohibits them, while they continue to reside there, from employing any portion of their capital in the same business in any other part of the kingdom, where it might be more beneficially conducted. Now, sir, absurd as these laws must appear to be to every man, the attempt to repeal them did not, as far as I recollect, altogether succeed. The weavers were too numerous, their interests too great, or their prejudices too strong; and this notable instance of protection and monopoly still exists, to be lamented in England, with as much sincerity as it seems to be admired here.

In order further to show the prevailing sentiment of the English Government, I would refer to a report of a select committee of the House of Commons, at the head of which was the vice president of the board of trade, (Mr. Wallace,) in July, 1820.

> "The time," say that committee, "when monopolies could be successfully supported, or would be patiently endured, either in respect to subjects against subjects, or particular countries against the rest of the world, seems to have passed away. Commerce, to continue undisturbed, and secure, must be, as it was intended to be, a source of reciprocal amity between nations, and an interchange of productions, to promote the industry, the wealth, and the happiness, of mankind."

In moving for the reappointment of the committee, in February, 1823, the same gentleman said:

> "We must also get rid of that feeling of appropriation, which exhibited itself in a disposition to produce every thing necessary for our own consumption, and to render ourselves independent of the world. No notion could be more absurd or mischievous; it led, even in peace, to an animosity and rancor, greater than existed in time of war. Undoubtedly there would be great prejudices to combat, both in this country and elsewhere, in the attempt to remove the difficulties which are most obnoxious. It would be impossible to forget the attention which was in some respects due to the present system of protections; although that attention ought certainly not to be carried beyond the absolute necessity of the case."

And in a second report of the committee, drawn by the same gentleman, in that part of it which proposes a diminution of duties on timber from the north of Europe, and the policy of giving a legislative preference to the importation of such timber in the log, and a discouragement of the importation of deals, it is stated that the committee reject this policy, because, among other reasons, "it is founded on a principle of exclusion, which they are most averse to see brought into operation, in any *new instance*, without the warrant of some evident and great political expediency." And on many subsequent occasions, the same gentleman has taken occasion to observe, that he differed from those who thought that manufactures could not flourish without restrictions on trade; that old prejudices of that sort were dying away, and that more liberal and just sentiments were taking their place. These sentiments appear to have been followed by important legal provisions, calculated to remove restrictions and prohibitions, where they were most severely felt; that is to say, in several branches of navigation and trade.

They have relaxed their colonial system, they have opened the ports of their islands, and have done away the restriction which limited the trade of the colony to the mother country. Colonial products can now be carried directly from the islands to any part of Europe; and it may not be improbable, considering our own high duties on spirits, that that article may be exchanged hereafter by the English West India colonies, directly, for the timber and deals of the Baltic.

It may be added, that Mr. Lowe, whom the gentleman has cited, says that nobody supposes that the three great staples of English manufactures, cotton, woollen, and hardware, are benefited by any existing protecting duties; and that one object of all these protecting laws is usually overlooked, and that is, that they have been intended to reconcile the various interests to taxation: the corn law, for example, being designed as some equivalent to the agricultural interest for the burden of tithes and of poor rates.

In fine, sir, I think it is clear that, if we now embrace the system of prohibitions and restrictions, we shall show an affection for what others have discarded, and be attempting to ornament ourselves with cast-off apparel.

Sir, I should not have gone into this prolix detail of opinions from any consideration of their special importance on the present occasion; but, having happened to state that such was the actual opinion of the Government of England at the present time, and the accuracy of this representation having been so confidently denied, I have chosen to put the matter beyond doubt or cavil, although at the expense of these tedious citations. I shall have occasion, hereafter, of referring more particularly to sundry recent British enactments, by way of showing the diligence and spirit with which that Government strives to sustain its navigating interest, by opening the widest possible range to the enterprise of individual adventurers. I repeat, that I have not alluded to these examples of a foreign State as being fit to control our own policy. In the general principle, I acquiesce. Protection, when carried to the point which is now recommended; that is, to entire prohibition, seems to me, destructive of all commercial intercourse between nations. We are urged to adopt the system upon general principles; and what would be the consequence of the universal application of such a general principle, but that nations would abstain entirely from all intercourse with one another? I do not admit the general principle; on the contrary, I think freedom of trade to be the general principle, and restriction the exception. And it is for every State, taking into view its own condition, to judge of the propriety, in any case, of making an exception, constantly preferring, as I think all wise Governments will, not to depart without urgent reason from the general rule.

There is another point in the existing policy of England, to which I would most earnestly invite the attention of the Committee; I mean the warehouse system, or what we usually call the system of drawback. Very great prejudices appear to me to exist with us on that subject. We seem averse to the extension of the principle. The English Government, on the contrary, appear to have carried it to the extreme of liberality. They have arrived, however, at their present opinions, and present practice, by slow degrees. The transit system was commenced about the year 1803, but the first law was partial and limited. It admitted the importation of raw materials for exportation, but it excluded almost every sort of manufactured goods. This was done for the same reason that we propose to prevent the transit of Canadian wheat through the United States—the fear of aiding the competition of the foreign article with our own, in foreign markets. Better reflection, or more experience, has induced them to abandon that mode of reasoning, and to consider all such means of influencing foreign markets as nugatory; since, in the present active and enlightened state of the world, nations will supply themselves from the best sources, and the true policy of all producers, whether of raw materials, or of manufactured articles, is, not vainly to endeavor to keep other venders out of the market, but to conquer them in it, by the quality and the cheapness of their articles. The present policy of England, therefore, is, to allure the importation of commodities into England, there to be deposited in English warehouses, thence to be exported in assorted cargoes, and thus enabling her to carry on a general export trade to all quarters of the globe. Articles of all kinds, with the single exception of tea, may be brought into England, from any part of the world, in foreign as well as British ships, there warehoused, and again exported, at the pleasure of the owner, without the payment of any duty, or Government charge whatever.

While I am upon this subject, I would take notice also of the recent proposition in the English Parliament to abolish the tax on imported wool; and it is observable, that those who support this proposition give the same reasons as have been offered here, within the last week, against the duty which we propose on the same article. They say, that their manufacturers require a cheap and coarse wool, for the supply of the Mediterranean and Levant trade, and that, without a more free admission of the wool of the Continent, that trade will all fall into the hands of the Germans and Italians, who will carry it on through Leghorn and Trieste. While there is this duty on foreign wool to protect the wool growers of England, there is on the other hand a prohibition on the exportation of the native article, in aid of the manufacturers. The opinion seems to be gaining strength, that the true policy is to abolish both.

Laws have long existed in England, preventing the emigration of artisans, and the exportation of machinery; but the policy of these, also, has become doubted, and an inquiry has been instituted in Parliament into the expediency of repealing them. As to the emigration of artisans, say those who disapprove the laws, if that were desirable, no law could effect it; and as to the exportation of machinery, let us fabricate and export it, as we would any other commodity. If France is determined to spin and weave her own cotton, let us, if we may, still have the benefit of furnishing the machinery.

I have stated these things, sir, to show what seems to be the general tone of thinking and reasoning on these subjects in that country, the example of which has been so much pressed upon us. Whether the present policy of England be right or wrong, wise or unwise, it cannot, as it seems clearly to me, be quoted as an authority for carrying further the restrictive and exclusive system, either in regard to manufactures or trade. To re-establish a sound currency, to meet at once the shock, tremendous as it was, of the fall of prices, to enlarge her capacity for foreign trade, to open wide the field of individual enterprise and competition, and to say, plainly and distinctly, that the country must relieve itself from the embarrassments which it felt, by economy, frugality, and renewed efforts of enterprise; these appear to be the general outline of the policy which England has pursued.

Mr. Chairman: I will say a few words upon a topic, but, for the introduction of which into this debate, I should not have given the Committee, on this occasion, the trouble of hearing me. Some days ago, I believe it was when we were settling the controversy between the oil merchants and the tallow chandlers, the Balance of Trade made its appearance in debate, and I must confess, sir, that I spoke of it, or rather, spoke to it, somewhat freely and irreverently. I believe I used the hard names which have been imputed to me; and I did it simply for the purpose of laying the spectre, and driving it back to its tomb. Certainly, sir, when I called the old notion on this subject nonsense, I did not suppose that I should offend any one, unless the dead should happen to hear me. All the living generation, I took it for granted, would think the term very properly applied. In this, however, I was mistaken. The dead and the living rise up together to call me to account, and I must defend myself as well as I am able.

Let us inquire, then, sir, what is meant by an unfavorable balance of trade, and what the argument is, drawn from that source. By an unfavorable balance of trade, I understand, is meant that state of things in which importation exceeds exportation. To apply it to our own case, if the value of goods imported, exceed the value of those exported, then the balance of trade is said to be against us, inasmuch as we have run in debt to the amount of this difference. Therefore, it is said that, if a nation continue long in a commerce like this, it must be rendered absolutely bankrupt. It is in the condition of a man that buys more than he sells; and how can such a traffic be maintained without ruin? Now, sir, the whole fallacy of this argument consists in supposing that, whenever the value of imports exceeds that of exports, a debt is necessarily created to the extent of the difference: whereas, ordinarily, the import is no more than the result of the export, augmented in value by the labor of transportation. The excess of imports over exports, in truth, usually shows the gains, not the losses, of trade; or, in a country that not only buys and sells goods, but employs ships in carrying goods also, it shows the profits of commerce, and the earnings of navigation. Nothing is more certain than that, in the usual course of things, and taking a series of years together, the value of our imports is the aggregate of our exports and our freights. If the value of commodities, imported in a given case, did not exceed the value of the outward cargo, with which they were purchased, then it would be clear to every man's common sense, that the voyage had not been profitable. If such commodities fell far short in value of the cost of the outward cargo, then the voyage would be a very losing one; and yet it would present exactly that state of things which, according to the notion of a balance of trade, can alone indicate a prosperous commerce. On the other hand, if the return cargo were found to be worth much more than the outward cargo, while the merchant, having paid for the goods exported, and all the expenses of the voyage, finds a handsome sum yet in his hands, which he calls profits, the balance of trade is still against him, and whatever he may think of it, he is in a very bad way. Although one individual, or all individuals gain, the nation loses; while all its citizens grow rich, the country grows poor. This is the doctrine of the balance of trade. Allow me, sir, to give an instance tending to show how unaccountably individuals deceive themselves, and imagine themselves to be somewhat rapidly mending their condition, while they ought to be persuaded that, by that infallible standard, the balance of trade, they are on the high road to ruin. Some years ago, in better times than the present, a ship left one of the towns of New England with seventy thousand specie dollars. She proceeded to Mocha, on the Red Sea, and there laid out these dollars in coffee, drugs, spices, &c. With this new cargo she proceeded to Europe; two-thirds of it were sold in Holland for $130,000, which the ship brought back and placed in the same bank from the vaults of which she had taken her original outfit. The other third was sent to the ports of the Mediterranean, and produced a return of $25,000 in specie, and $15,000 in Italian merchandise. These sums together make $170,000 imported, which is $100,000 more than was exported, and is, therefore, proof of an unfavorable balance of trade, to that amount, in this adventure. We should find no great difficulty, sir, in paying off our balances if this were the nature of them all.

The truth is, Mr. Chairman, that all these obsolete and exploded notions had their origin in very mistaken ideas of the true nature of commerce. Commerce is not a gambling among nations for a stake, to be won by some and lost by others. It has not the tendency necessarily to impoverish one of the parties to it, while it enriches the other; all parties gain, all parties make profits, all parties grow rich, by the operations of just and liberal commerce. If the world had but one clime, and but one soil; if all men had the same wants and the same means, on the spot of their existence, to gratify those wants; then, indeed, what one obtained from the other by exchange, would injure one party in the same degree that it benefited the other; then, indeed, there would be some foundation for the balance of trade. But Providence has disposed our lot much more kindly. We inhabit a various earth. We have reciprocal wants, and reciprocal means for gratifying one another's wants. This is the true origin of commerce, which is nothing more than an exchange of equivalents, and from the rude barter of its primitive state, to the refined and complex state in which we see it, its principle is uniformly the same; its only object being, in every stage, to produce that exchange of commodities between individuals and between nations, which shall conduce to the advantage and to the happiness of both. Commerce between nations has the same essential character as commerce between individuals, or between parts of the same nation. Cannot two individuals make an interchange of commodities which shall prove beneficial to both, or in which the balance of trade shall be in favor of both? If not, the tailor and the shoemaker, the farmer and the smith, have hitherto very much misunderstood their own interest. And with regard to the internal trade of a country, in which the same rule would apply as between nations, do we ever speak of such an intercourse being prejudicial to one side because it is useful to the other? Do we ever hear that, because the intercourse between New York and Albany is advantageous to one of those places, it must, therefore, be ruinous to the other?

May I be allowed, sir, to read a passage on this subject from the observations of a gentleman, in my opinion one of the most clear and sensible writers and speakers of the age upon subjects of this sort:*

> "There is no political question on which the prevalence of false principles is so general, as in what relates to the nature of commerce and to the pretended balance of trade; and there are few which have led to a greater number of practical mistakes, attended with consequences extensively prejudicial to the happiness of mankind. In this country, our parliamentary proceedings, our public documents, and the works of several able and popular writers, have combined to propagate the impression that we are indebted for much of our riches to what is called the balance of trade." "Our true policy would surely be to profess, as the object and guide of our commercial system, that which every man who has studied the subject must know to be the true principle of commerce, the interchange of reciprocal and equivalent benefit. We may rest assured that it is not in the nature of commerce to enrich one party at the expense of the other. This is a purpose at which, if it were practicable, we ought not to aim; and which, if we aimed at, we could not accomplish."

These remarks, I believe, sir, were written some ten or twelve years ago. They are in perfect accordance with the opinions advanced in more elaborate treatises, and now that the world has returned to a state of peace, and commerce has resumed its natural channels, and different nations are enjoying, or seeking to enjoy, their respective portions of it, all see the justness of these ideas; all see, that, in this day of knowledge and of peace, there can be no commerce between nations but that which shall benefit all who are parties to it.

If it were necessary, Mr. Chairman, I might ask the attention of the Committee to recur to a document before us, on this subject, of the balance of trade. It will be seen by reference to the accounts, that, in the course of the last year, our total export to Holland exceeded two millions and a half; our total import from the same country was but $700,000. Now can any man be wild enough to make any inference from this of the gain or loss of our trade with Holland for that year? Our trade with Russia for the same year produced a balance the other way; our import being two millions, and our export being but half a million. But this has no more tendency to show the Russian trade a losing trade, than the other statement has to show that the Dutch trade has been a gainful one. Neither of them, by itself, proves any thing.

Springing out of this notion of a balance of trade, there has been another idea, which has been much dwelt upon in the course of this debate; that is, that we ought not to buy of nations who do not buy of us; for example, that the Russian trade is a trade disadvantageous to the country, and ought to be discouraged, because, in the ports of Russia, we buy more than we sell. Now allow me to observe, in the first place, sir, that we have no account showing how much we do sell in the ports of Russia. Our official returns show us only what is the amount of our direct exports to her ports. But then we all know that the proceeds of other of our exports go to the same market, though indirectly. We send our own products, for example, to Cuba, or to Brazil; we there exchange them for the sugar and the coffee of those countries, and these articles we carry to St. Petersburg, and there sell them. Again; our exports to Holland and Hamburg are connected directly or indirectly with our imports from Russia. What difference does it make, in sense or reason, whether a cargo of iron be bought at St. Petersburg by the exchange of a cargo of tobacco, or whether the tobacco has been sold on the way, in a better market, in a port of Holland, the money remitted to England, and the iron paid for by a bill on London? There might indeed have been an augmented freight, there might have been some saving of commissions, if tobacco had been in brisk demand in the Russian market. But still there is nothing to show that the whole voyage may not have been highly profitable. That depends upon the original cost of the article here, the amount of freight and insurance to Holland, the price obtained there, the rate of exchange between Holland and England; the expense, then, of proceeding to St. Petersburg, the price of iron there, the rate of exchange between that place and England, the amount of freight and insurance home, and, finally, the value of the iron, when brought to our own market. These are the calculations which determine the fortune of the adventure; and nothing can be judged of it, one way or the other, by the relative state of our imports or exports with Holland, England, or Russia.

I would not be understood to deny that it may often be our interest to cultivate a trade with countries that most require such commodities as we can furnish, and which are capable also of directly supplying our own wants. This is the simplest and most original form of all commerce, and is, no doubt, highly beneficial. And some countries are so situated, doubtless, that commerce in this original form, or something near it, may be all that they can, without considerable inconvenience, carry on. Our trade, for example, with Madeira and the Western Islands, has been useful to the country as furnishing a demand for some portion of our agricultural products, which probably could not have been bought, had we not received their products in return. Countries situated still further from the great marts and highways of the commercial world, may afford still stronger instances of the necessity and utility of conducting commerce on the original principle of barter, without much assistance from the operations of credit and exchange. All I would be understood to say, is, that it by no means follows that that must be a losing trade with any country, from which we receive more of her products than she receives of ours. And since I was supposed the other day, in speaking upon this subject, to have advanced opinions which not only this country ought to reject, but which also other countries, and those the most distinguished for skill and success in commercial intercourse, do reject, I will ask leave to refer again to the discussion which I first mentioned, in the English Parliament, relative to the foreign trade of that country.

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* Mr. Huskisson, President of the English Board of Trade.

"With regard (says the mover of the proposition*) to the argument employed against renewing our intercourse with the north of Europe—namely, that those who supplied us with timber from that quarter would not receive British manufactures in return, it appeared to him futile and ungrounded. If they did not send direct for our manufactures at home, they would send for them to Leipsic, and other fairs of Germany. Were not the Russian and Polish merchants purchasers there to a great amount? But he would never admit the principle that a trade was not profitable, because we were obliged to carry it on with the precious metals, or that we ought to renounce it, because our manufactures were not received by the foreign nation, in return for its produce. Whatever we received must be paid for in the produce of our land and labor, directly or circuitously, and he was glad to have the noble Earl's† marked concurrence in this principle."

Referring ourselves again, sir, to the analogies of common life—no one would say that a farmer or a mechanic should buy only where he can do so by the exchange of his own produce, or his own manufacture. Such exchange may be often convenient; and, on the other hand, the cash purchase may be often more convenient. It is the same in the intercourse of nations. Indeed, Mr. Speaker has placed this argument on very clear grounds. It has been said, in the early part of the debate, that if we cease to import English cotton fabrics, England would no longer continue to purchase our cotton. To this, Mr. Speaker has replied, with great force and justice, that as she must have cotton in large quantities, she will buy the article where she can find it best and cheapest; and that it would be quite ridiculous in her, manufacturing as she still would be, for her own vast consumption, and the consumption of millions in other countries, to reject our uplands, because we had learned to manufacture a part of them for ourselves. And would it not be equally ridiculous in us, if the commodities of Russia were both cheaper and better suited to our wants than could be found elsewhere, to abstain from commerce with her, because she will not receive in return other commodities which we have to sell, but which she has no occasion to buy?

Intimately connected, sir, with this topic, is another, which has been brought into the debate; I mean the evil so much complained of—the exportation of specie. We hear gentlemen imputing the loss of market at home to a want of money, and this want of money to the exportation of the precious metals. We hear the India and China trade denounced as a commerce conducted on our side, in a great measure, with gold and silver. These opinions, sir, are clearly void of all just foundation, and we cannot too soon get rid of them. There are no shallower reasoners than those political and commercial writers who would represent it to be the only true and gainful end of commerce, to accumulate the precious metals. These are articles of use, and articles of merchandise, with this additional circumstance belonging to them, that they are made, by the general consent of nations, the standard by which the value of all other merchandise is to be estimated. In regard to weights and measures, something drawn from external nature is made a common standard, for the purposes of general convenience; and this is precisely the office performed by the precious metals, in addition to those uses to which, as metals, they are capable of being applied. There may be of these too much or too little, in a country, at a particular time, as there may be of any other articles. When the market is overstocked with them, as it often is, their exportation becomes as proper and as useful as that of other commodities, under similar circumstances. We need no more repine, when the dollars, which have been brought here from South America, are despatched to other countries, than when coffee and sugar take the same direction. We often deceive ourselves by attributing to a scarcity of money, that which is the result of other causes. In the course of this debate, the honorable member from Pennsylvania has represented the country as full of every thing but money. But this I take to be a mistake. The agricultural products, so abundant in Pennsylvania, will not, he says, sell for money; but they will sell for money as quick as for any other article which happens to be in demand. They will sell for money, for example, as easily as for coffee, or for tea, at the prices which properly belong to those articles. The mistake lies in imputing that to want of money, which arises from want of demand. Men do not buy wheat because they have money, but because they want wheat. To decide whether money be plenty or not, that is, whether there be a large portion of capital unemployed or not, when the currency of a country is metallic, we must look, not only to the prices of commodities, but also to the rate of interest. A low rate of interest, a facility of obtaining money on loans, a disposition to invest in permanent stocks, all of which are proofs that money is plenty, may nevertheless often denote a state not of the highest prosperity. They may, and often do, show a want of employment for capital; and the accumulation of specie shows the same thing. We have no occasion for the precious metals as money, except for the purposes of circulation, or rather of sustaining a safe paper circulation. And whenever there be a prospect of a profitable investment abroad, all the gold and silver, except what these purposes require, will be exported. For the same reason, if a demand exist abroad for sugar and coffee, whatever amount of those articles might exist in the country beyond the wants of its own consumption, would be sent abroad to meet the demand. Besides, sir, how could it ever occur to any body that we should continue to export gold and silver, if we did not continue to import them also? If a vessel take our own products to the Havana or elsewhere, exchange them for dollars, proceed to China, exchange them for silks and teas, bring these last to the ports of the Mediterranean, sell them there for dollars, and return to the United States; this would be a voyage resulting in the importation of the precious metals. But if she had returned from Cuba, and the dollars obtained there had been shipped direct from the United States to China, the China goods sold in Holland, and the proceeds brought home in the hemp and iron of Russia, this would be a voyage in which they were exported. Yet every body sees that both might be equally beneficial to the individuals and to the public. I believe, sir, that, in point of fact, we have enjoyed great benefit in our trade with India and China, from the liberty of going from place to place all over the world, without being obliged in the mean time to return home—a liberty not heretofore enjoyed by the private traders of England in regard to India and China. Suppose the American ship to be at Brazil, for example, she could proceed with her dollars direct to India, and in return could distribute her cargo in all the various ports of Europe or America: while an English ship, if a private trader, being at Brazil, must first return to England, and then could only proceed in the direct line from England to India. This advantage our countrymen have not been backward to improve; and in the debate to which I have already so often referred, it was stated, not without some complaint of the inconvenience of exclusion, and the natural sluggishness of monopoly, that American ships were at that moment fitting out in the Thames, to supply France, Holland, and other countries on the Continent, with tea; while the East India Company would not do this of themselves, nor allow any of their fellow countrymen to do it for them.

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* Marquis of Lansdowne. † Lord Liverpool.

There is yet another subject, Mr. Chairman, upon which I would wish to say something, if I might presume upon the continued patience of the Committee. We hear, sometimes, in the House, and continually out of it, of the rate of exchange, as being one proof that we are on the downward road to ruin. Mr. Speaker himself has adverted to that topic, and I am afraid that his authority may give credit to opinions clearly unfounded, and which lead to very false and erroneous conclusions. Sir, let us see what the facts are. Exchange on England has recently risen one or one and a half per cent., partly owing, perhaps, to the introduction of this bill into Congress. Before this recent rise, and for the last six months, I understand its average may have been about seven and a half per cent. advance. Now, supposing this to be the *real*, and not merely, as it is, the nominal par of exchange between us and England, what would it prove? Nothing, except that funds were wanted, in England, for commercial operations, to be carried on either in England or elsewhere. It would not necessarily show that we were indebted to England; for, if we had occasion to pay debts in Russia or Holland, funds in England would naturally enough be required for such a purpose. And even if it did prove that a balance was due England, at the moment, it would have no tendency to explain to us whether our commerce with England had been profitable or unprofitable. But it is not true, in point of fact, that the *real* price of exchange is seven and a half per cent. advance, nor, indeed, that there is, at the present moment, any advance at all. That is to say, it is not true that merchants will give such an advance, or any advance, for *money* in England, more than they would give for the same amount, in the same currency, here. It will strike every one, who reflects upon it, that, if there were a real difference of seven and a half per cent., money would be immediately shipped to England; because the expense of transportation would be far less than that difference; or commodities of trade would be shipped to Europe, and the proceeds remitted to England. If it could so happen that American merchants should be willing to pay ten per cent. premium for money in England, or, in other words, that a real difference to that amount, in the exchange, should exist, its effects would be immediately seen in new shipments of our own commodities to Europe, because this state of things would create new motives. A cargo of tobacco, for example, might sell at Amsterdam for the same price as before; but if its proceeds, when remitted to London, were advanced, as they would be in such case, ten per cent. by the state of exchange, this would be so much added to the price, and would operate, therefore, as a motive for the exportation; and in this way national balances are, and always will be, adjusted.

To form any accurate idea of the true state of exchange between two countries, we must look at their currencies, and compare the quantities of gold and silver which they may respectively represent. This usually explains the state of the exchanges; and this will satisfactorily account for the apparent advance, now existing, on bills drawn on England. The English standard of value is gold; with us, that office is performed by gold, and by silver also, at a fixed relation to each other. But our estimate of silver is rather higher, in proportion to gold, than most nations give it; it is higher, especially, than in England, at the present moment. The consequence is, that silver, which remains a legal currency with us, stays here, while the gold has gone abroad; verifying the universal truth, that, if two currencies be allowed to exist, of different values, that which is cheapest will fill up the whole circulation. For as much gold as will suffice to pay here a debt of a given amount, we can buy in England more silver than would be necessary to pay the same debt here; and from this difference in the value of silver arises wholly, or in a great measure, the present apparent difference in exchange. Spanish dollars sell now, in England, for four shillings and nine pence sterling per ounce; equal to one dollar and six cents. By our standard, the same ounce is worth one dollar and sixteen cents; being a difference of about nine per cent. The true par of exchange, therefore, is nine per cent. If a merchant here pay one hundred Spanish dollars for a bill on England, at nominal par, in sterling money, that is, for a bill for £22 10*s*., the proceeds of this bill, when paid in England, in the legal currency, will there purchase, at the present price of silver, one hundred and nine Spanish dollars. Therefore, if the nominal advance on English bills do not exceed nine per cent., the real exchange is not against this country; in other words, it does not show that there is any pressing or particular occasion for the remittance of funds to England.

As little can be inferred from the occasional transfer of United States stock to England. Considering the interest paid on our stocks, the entire stability of our credit, and the accumulation of capital in England, it is not at all wonderful that investments should occasionally be made in our funds. As a sort of countervailing fact, it may be stated that English stocks are now actually holden in this country, though probably not to any considerable amount.

I will now proceed, sir, to state some objections which I feel, of a more general nature, to the course of Mr. Speaker's observations.

He seems to me to argue the question as if all domestic industry were confined to the production of manufactured articles; as if the employment of our own capital, and our own labor, in the occupations of commerce and navigation, were not as emphatically domestic industry as any other occupation. Some other gentlemen, in the course of the debate, have spoken of the price paid for every foreign manufactured article, as so much given for the encouragement of foreign labor, to the prejudice of our own. But is not every such article the product of our own labor as truly as if we had manufactured it ourselves? Our labor has earned it, and paid the price for it. It is so much added to the stock of national wealth. If the commodity were dollars, nobody would doubt the truth of this remark: and it is precisely as correct in its application to any other commodity as to silver. One man makes a yard of cloth at home; another raises agricultural products, and buys a yard of imported cloth. Both these are equally the earnings of domestic industry, and the only questions that arise in the case are two: the first is, which is the best mode, under all the circumstances, of obtaining the article; the second is, how far this first question is proper to be decided by Government, and how far it is proper to be left to individual discretion. There is no foundation for the distinction which attributes to certain employments the peculiar appellation of American industry; and it is, is my judgment, extremely unwise, to attempt such discriminations. We are asked, what nations have ever attained eminent prosperity without encouraging manufactures? I may ask, what nation ever reached the like prosperity without promoting foreign trade? I regard these interests as closely connected, and am of opinion that it should be our aim to cause them to flourish together. I know it would be very easy to promote manufactures, at least for a time, but probably only for a short time, if we might act in disregard of other interests. We could cause a sudden transfer of capital, and a violent change in the pursuits of men. We could exceedingly benefit some classes by these means. But what, then, becomes of the interests of others? The power of collecting revenue by duties on imports, and the habit of the Government of collecting almost its whole revenue in that mode, will enable us, without exceeding the bounds of moderation, to give great advantages to those classes of manufactures which we may think most useful to promote at home. What I object to is the immoderate use of the power—exclusions and prohibitions; all of which, as I think, not only interrupt the pursuits of individuals, with great injury to themselves, and little or no benefit to the country, but also often divert our own labor, or, as it may very properly be called, our own domestic industry, from those occupations in which it is well employed and well paid, to others, in which it will be worse employed, and worse paid. For my part, I see very little relief to those who are likely to be deprived of their employments, or who find the prices of the commodities which they need, raised, in any of the alternatives which Mr. Speaker has presented. It is nothing to say that they may, if they choose, continue to buy the foreign article; the answer is, the price is augmented: nor that they may use the domestic article; the price of that also is increased. Nor can they supply themselves by the substitution of their own fabric. How can the agriculturist make his own iron? How can the ship owner grow his own hemp?

But I have yet a stronger objection to the course of Mr. Speaker's reasoning; which is, that he leaves out of the case all that has been already done for the protection of manufactures, and argues ths question as if those interests were now, for the first time, to receive aid from duties on imports. I can hardly express the surprise I feel that Mr. Speaker should fall into the common modes of expression used elsewhere, and ask if we will give our manufactures no protection. Sir, look to the history of our laws; look to the present state of our laws. Consider that our whole revenue, with a trifling exception, is collected at the custom-house, and always has been; and then say what propriety there is in calling on the Government for protection, as if no protection had heretofore been afforded. The real question before us, in regard to all the important clauses of the bill, is not whether we will *lay* duties, but whether we will *augment* duties. The demand is for something more than exists, and yet it is pressed as if nothing existed. It is wholly forgotten that iron and hemp, for example, already pay a very heavy and burdensome duty; and, in short, from the general tenor of Mr. Speaker's observations, one would infer that, hitherto, we had rather taxed our own manufactures than fostered them by taxes on those of other countries. We hear of the fatal policy of the tariff of 1816; and yet the law of 1816 was passed avowedly for the benefit of manufacturers, and, with very few exceptions, imposed on imported articles very great additions of tax; in some important instances, indeed, amounting to a prohibition.

Sir, on this subject it becomes us at least to understand the real posture of the question. Let us not suppose that we are beginning the protection of manufactures, by duties on imports. What we are asked to do is, to render those duties much higher, and therefore, instead of dealing in general commendations of the benefits of protection, the friends of the bill, I think, are bound to make out a fair case for each of the manufactures which they propose to benefit. The Government has already done much for their protection, and it ought to be presumed to have done enough, unless it should be shown, by the facts and considerations applicable to each, that there is a necessity for doing more.

On the general question, sir, allow me to ask if the doctrine of prohibition, as a general doctrine, be not preposterous? Suppose all nations to act upon it; they would be prosperous, then, according to the argument, precisely in the proportion in which they abolished intercourse with one another. The less of mutual commerce the better, upon this hypothesis. Protection and encouragement may be, and are, doubtless, sometimes, wise and beneficial, if kept within proper limits; but, when carried to an extravagant height, or the point of prohibition, the absurd character of the system manifests itself. Mr. Speaker has referred to the late Emperor Napoleon, as having attempted to naturalize the manufacture of cotton in France. He did not cite a more extravagant part of the projects of that ruler, that is, his attempt to naturalize the growth of that plant itself in France; whereas, we have understood that considerable districts in the south of France, and in Italy, of rich and productive lands, were at one time withdrawn from profitable uses, and devoted to raising, at great expense, a little bad cotton. Nor have we been referred to the attempts, under the same system, to make sugar and coffee from common culinary vegetables; attempts which served to fill the print shops of Europe, and to show us how easy is the transition from what some think sublime, to that which all admit to be ridiculous. The folly of some of these projects has not been surpassed, nor hardly equalled, unless it be by the philosopher in one of the satires of Swift, who so long labored to extract sunbeams from cucumbers.

The poverty and unhappiness of Spain have been attributed to the want of protection to her own industry. If by this it be meant that the poverty of Spain is owing to bad Government and bad laws, the remark is, in a great measure, just. But these very laws are bad because they are restrictive, partial, and prohibitory. If prohibition were protection, Spain would seem to have had enough of it. Nothing can exceed the barbarous rigidity of her colonial system, or the folly of her early commercial regulations. Unenlightened and bigoted legislation, the multitude of holidays, miserable roads, monopolies on the part of Government, restrictive laws, that ought long since to have been abrogated, are generally, and I believe truly, reckoned the principal causes of the bad state of the productive industry of Spain. Any partial improvement in condition, or increase of her prosperity, has been, in all cases, the result of relaxation, and the abolition of what was intended for favor and protection.

In short, sir, the general sense of this age sets, with a strong current, in favor of freedom of commercial intercourse, and unrestrained individual action. Men yield up their notions of monopoly and restriction, as they yield up other prejudices, slowly and reluctantly; but they cannot withstand the general tide of opinion.

Let me now ask, sir, what relief this bill proposes to some of those great and essential interests of the country, the condition of which has been referred to as proof of national distress; and which condition, although I do not think it makes out a case of distress, yet does indicate depression.

And first, as to our foreign trade. The Speaker has stated that there has been a considerable falling off in the tonnage employed in that trade. This is true, lamentably true. In my opinion, it is one of those occurrences which ought to arrest our immediate, our deep, our most earnest attention. What does this bill propose for its relief? Sir, it proposes nothing but new burdens. It proposes to diminish its employment, and it proposes, at the same time, to augment its expense, by subjecting it to heavier taxation. Sir, there is no interest, in regard to which a stronger case for protection can be made out, than the navigating interest. Whether we look at its present condition, which is admitted to be depressed; the number of persons connected with it, and dependent upon it for their daily bread; or its importance to the country in a political point of view, it has claims upon our attention which cannot be exceeded. But what do we propose to do for it? I repeat, sir, simply to burden and to tax it. By a statement which I have already submitted to the Committee, it appears that the shipping interest pays, annually, more than half a million of dollars in duties on articles used in the construction of ships. We propose to add nearly, or quite, fifty per cent. to this amount, at the very moment that we bring forth the languishing state of this interest, as a proof of national distress. Let it be remembered that our shipping employed in foreign commerce, has, at this moment, not the shadow of Government protection. It goes abroad upon the wide sea to make its own way, and earn its own bread, in a professed competition with the whole world. Its resources are its own frugality, its own skill, its own enterprise. It hopes to succeed, if it shall succeed at all, not by extraordinary aid of Government, but by patience, vigilance, and toil. This right arm of the nation's safety strengthens its own muscle by its own efforts, and by unwearied exertion in its own defence becomes strong for the defence of the country.

No one acquainted with this interest can deny that its situation, at this moment, is extremely critical. We have left it hitherto to maintain itself or perish; to swim if it can, and to sink if it cannot. But at this moment of its apparent struggle, can we, as men, can we, as patriots, add another stone to the weight that threatens to carry it down? Sir, there is a limit to human power and to human effort. I know the commercial marine of this country can do almost every thing, and bear almost every thing. Yet some things are impossible to be done; and some burdens may be impossible to be borne; and as it was the last ounce that broke the back of the camel, so the last tax, although it were even a small one, may be decisive as to the power of our marine to sustain the conflict in which it is now engaged with all the commercial nations on the globe.

Again, Mr. Chairman, the failures and the bankruptcies which have taken place in our large cities have been mentioned as proving the little success attending commerce and its general decline. But this bill has no balm for those wounds. It is very remarkable, that, when losses and disasters of certain manufacturers, those of iron, for instance, are mentioned, it is done for the purpose of invoking aid for the distressed. Not so with the losses and disasters of commerce; these last are narrated, and not unfrequently much exaggerated, to prove the ruinous nature of the employment, and to show that it ought to be abandoned, and the capital engaged in it turned to other objects.

It has been often said, sir, that our manufactures have to contend, not only against the natural advantages of those who produce similar articles in foreign countries, but also against the action of foreign Governments, who have great political interest in aiding their own manufactures to suppress ours. But have not these Governments as great an interest to cripple our marine, by preventing the growth of our commerce and navigation? What is it that makes us the object of the highest respect, or the most suspicious jealousy to foreign States? What is it that most enables us to take high relative rank among the nations? I need not say that this results, more than from any thing else, from that quantity of military power which we can cause to be water borne, and of that extent of commerce, which we are able to maintain throughout the world.

Mr. Chairman, I am conscious of having detained the Committee much too long with these observations. My apology for now proceeding to some remarks upon the particular clauses of the bill, is, that, representing a district at once commercial and highly manufacturing, and being called upon to vote upon a bill containing provisions so numerous and so various, I am naturally desirous to state as well what I approve, as what I would reject.

The first section proposes an augmented duty upon woollen manufactures. This, if it were unqualified, would no doubt be desirable to those who are engaged in that business. I have myself presented a petition from the woollen manufacturers of Massachusetts, praying an augmented ad valorem duty upon imported woollen cloths; and I am prepared to accede to that proposition, to a reasonable extent. But then this bill proposes, also, a very high duty upon imported wool; and, as far as I can learn, a majority of the manufacturers are at least extremely doubtful whether, taking these two provisions together, the state of the law is not better for them now than it would be if this bill should pass. It is said this tax on raw wool will benefit the agriculturist; but I know it to be the opinion of some of the best informed of that class, that it will do them more hurt than good. They fear it will check the manufacturer, and consequently check his demand for their article. The argument is, that a certain quantity of coarse wool, cheaper than we can possibly furnish, is necessary to enable the manufacturer to carry on the general business, and that if this cannot be had, the consequence will be, not a greater, but a less, manufacture of our own wool. I am aware that very intelligent persons differ upon this point; but, if we may safely infer from that difference of opinion, that the proposed benefit is at least doubtful, it would be prudent perhaps to abstain from the experiment. Certain it is that the same course of reasoning has occurred, as I have before stated, on the same subject, when a renewed application was made to the English Parliament to repeal the duty on imported wool, I believe scarcely two months ago; those who support the application, pressing urgently the necessity of an unrestricted use of the cheap, imported raw material, with a view to supply, with coarse cloths, the markets of warm climates, such as those of Egypt and Turkey, and especially a vast new created demand in the South American States.

As to the manufactures of cotton, it is agreed, I believe, that they are generally successful. It is understood that the present existing duty operates pretty much as a prohibition over those descriptions of fabrics to which it applies. The proposed alteration would probably enable the American manufacturer to commence competition with higher priced fabrics; and so would, perhaps, an augmentation less than is here proposed. I consider the cotton manufactures not only to have reached, but to have passed, the point of competition. I regard their success as certain, and their growth as rapid as the most impatient could well expect. If, however, a provision of the nature of that recommended here, were thought necessary to commence new operations in the same line of manufacture, I should cheerfully agree to it, if it were not at the cost of sacrificing other great interests of the country. I need hardly say that, whatever promotes the cotton and woollen manufactures, promotes most important interests of my constituents. They have a great stake in the success of those establishments, and, as far as those manufactures are concerned, would be as much benefited by the provisions of this bill as any part of the community. It is obvious, too, I should think, that, for some considerable time, manufactures of this sort, to whatever magnitude they may rise, will be principally established in those parts of the country where population is most dense, capital most abundant, and where the most successful beginnings have been already made.

But if these be thought to be advantages, they are greatly counterbalanced by other advantages enjoyed by other portions of the country. I cannot but regard the situation of the West as highly favorable to human happiness. It offers, in the abundance of its new and fertile lands, such assurances of permanent property and respectability to the industrious, it enables them to lay such sure foundations for a competent provision for their families, it makes such a nation of freeholders, that it need not envy the happiest and most prosperous of the manufacturing communities. We may talk as we will of well-fed and well-clothed day laborers or journeymen; they are not, after all, to be compared, either for happiness, or respectability, with him who sleeps under his own roof, and cultivates his own fee-simple inheritance.

With respect to the proposed duty on glass, I would observe, that, upon the best means of judging which I possess, I am of opinion, that the Chairman of the Committee is right, in stating, that there is, in effect, a bounty upon the exportation of the British article. I think it entirely proper, therefore, to raise our own duty by such an amount as shall be equivalent to that bounty.

And here, Mr. Chairman, before proceeding to those parts of the bill to which I most strenuously object, I will be so presumptuous, as to take up a challenge which Mr. Speaker has thrown down. He has asked us, in a tone of interrogatory indicative of the feeling of anticipated triumph, to mention any country in which manufactures have flourished, without the aid of prohibitory laws. He has demanded, if it be not policy, protection, aye, and prohibition, that have carried other States to the height of their prosperity, and whether any one has succeeded with such tame and inert legislation as ours. Sir, I am ready to answer this inquiry.

There is a country, not undistinguished among the nations, in which the progress of manufactures has been far more rapid than in any other, and yet unaided by prohibitions or unnatural restrictions. That country, the happiest which the sun shines on, is our own.

The woollen manufactures of England have existed from the early ages of the monarchy. Provisions, designed to aid and foster them, are in the black-lettered statutes of the Edwards and the Henrys. Ours, on the contrary, are but of yesterday; and yet, with no more than the protection of existing laws, they are already at the point of close and promising competition. Sir, nothing is more unphilosophical than to refer us, on these subjects, to the policy adopted by other nations in a very different state of society, or to infer that what was judged expedient by them, in their early history, must also be expedient for us, in this early part of our own. This would be reckoning our age chronologically, and estimating our advance by our number of years, when, in truth, we should regard only the state of society, the knowledge, the skill, the capital, the enterprise, which belong to our times. We have been transferred from the stock of Europe, in a comparatively enlightened age, and our civilization and improvement date back as early as her own. Her original history is also our original history; and if, since the moment of separation, she has gone ahead of us, in some respects, it may be said, without violating truth, that we have kept up in others, and, in others again, are ahead ourselves. We are to legislate, then, with regard to the present actual state of society; and our own experience shows us that, commencing manufactures at the present highly enlightened and emulous moment, we need not imitate the clumsy helps, with which, in less auspicious times, Governments have sought to enable the ingenuity and industry of their people to hobble along.

The English cotton manufactures began about the commencement of the last reign. Ours can hardly be said to have commenced, with any earnestness, until the application of the power loom, in 1816, not more than eight years ago. Now, sir, I hardly need again speak of its progress, its present extent, or its assurance of future enlargement. In some sorts of fabrics we are already exporters, and the products of our manufactories are, at this moment, in the South American markets. We see, then, what can be done without prohibition or extraordinary protection, because we see what has been done; and I venture to predict that, in a few years, it will be thought wonderful that these branches of manufactures, at least, should have been thought to require additional aid from Government.

Mr. Chairman: The best apology for laws of prohibition and laws of monopoly, will be found in that state of society, not only unenlightened, but sluggish, in which they are most generally established. Private industry, in those days, required strong provocatives, which Governments were seeking to administer by these means.—Something was wanted to actuate and stimulate men, and the prospects of such profits as would, in our times, excite unbounded competition, would hardly move the sloth of former ages. In some instances, no doubt, these laws produced an effect, which, in that period, would not have taken place without them. But our age is wholly of a different character, and its legislation takes another turn. Society is full of excitement; competition comes in place of monopoly; and intelligence and industry ask only for fair play and an open field. Profits, indeed, in such a state of things, will be small, but they will be extensively diffused; prices will be low, and the great body of the people prosperous and happy. It is worthy of remark, that, from the operation of these causes, commercial wealth, while it is increased beyond calculation in its general aggregate, is, at the same time, broken and diminished in its subdivisions. Commercial prosperity should be judged of therefore rather from the extent of trade, than from the magnitude of its apparent profits. It has been remarked, that Spain, certainly one of the poorest nations, made very great profits on the amount of her trade; but with little other benefit than the enriching of a few individuals and companies. Profits to the English merchants engaged in the Levant and Turkey trade, were formerly very great, and there were richer merchants in England some centuries ago, considering the comparative value of money, than at the present highly commercial period. When the diminution of profits arises from the extent of competition, it indicates rather a salutary than an injurious change.*

The true course then, sir, for us to pursue, is, in my opinion, to consider what our situation is, what our means are, and how they can be best applied. What amount of population have we, in comparison with our extent of soil, what amount of capital and labor, at what price? As to skill, knowledge, and enterprise, we may safely take it for granted, that, in these particulars, we are on an equality with others. Keeping these considerations in view, allow me to examine two or three of those provisions of the bill to which I feel the strongest objections.

To begin with the article of iron. Our whole annual consumption of this article is supposed by the chairman of the committee to be 48,000 or 50,000 tons. Let us suppose the latter. The amount of our own manufacture he estimates, I think, at 17,000 tons. The present duty on the imported article is $15 per ton, and as this duty causes, of course, an equivalent augmentation of the price of the home manufacture, the whole increase of price is equal to $750,000 annually. This sum we pay on a raw material, and on an absolute necessary of life. The bill proposes to raise the duty from $15 to $22½ per ton, which would be equal to $1,125,000 on the whole annual consumption. So that, suppose the point of prohibition which is aimed at by some gentlemen to be attained, the consumers of the article would pay this last mentioned sum every year to the producers of it, over and above the price at which they could supply themselves with the same article from other sources. There would be no mitigation of this burden, except from the prospect, whatever that might be, that iron would fall in value, by domestic competition, after the importation should be prohibited. It will be easy, I think, to show that it cannot fall; and supposing for the present that it shall not, the result will be, that we shall pay annually a sum of $1,125,000, constantly augmented, too, by increased consumption of the article, *to support a business that cannot support itself.* It is of no consequence to the argument that this sum is expended at home; so it would be, if we taxed the people to support any other useless and expensive establishment, to build another Capitol for example, or incur an unnecessary expense of any sort. The question still is, are the money, time, and labor, well laid out in these cases? The present price of iron at Stockholm, I am assured by importers, is $53 per ton on board, $48 per ton in the yard before loading, and probably not far from $40 at the mines. Freight, insurance, &c., may be fairly estimated at $15, to which add our present duty of $15 more, and these two last sums, together with the cost on board at Stockholm, give $83 as the cost of Swedes iron in our market. In fact it is said to have been sold last year at $81½ to $82 per ton. We perceive, by this statement, that the cost of iron is doubled in reaching us from the mine in which it is produced. In other words, our present duty, with the expense of transportation, gives an advantage to the American over the foreign manufacturer, of one hundred per cent. Why, then, cannot the iron be manufactured at home? Our ore is said to be as good, and some of it better. It is under our feet, and the chairman of the committee tells us that it might be wrought by persons who otherwise will not be employed. *Why, then, is it not wrought?* Nothing could be more sure of constant sale. It is not an article of changeable fashion, but of absolute, permanent necessity, and such, therefore, as would always meet a steady demand. Sir, I think it would be well for the chairman of the committee to revise his premises, for I am persuaded that there is an ingredient properly belonging to the calculation which he has misstated or omitted. Swedes iron in England pays a duty, I think, of about $27 per ton; yet it is imported in considerable quantities, notwithstanding the vast capital, the excellent coal, and, more important than all, perhaps, the highly improved state of inland navigation in England; although I am aware that the English use of Swedes iron may be thought to be owing in some degree to its superior quality.

Sir, the true explanation of this appears to me to lie in the different prices *of labor;* and here, I apprehend, is the grand mistake in the argument of the chairman of the committee. He says it would cost the nation, as a nation, nothing to make our ore into iron. Now, I think, it would cost us precisely that which we can worst afford; that is, *great labor.* Although bar iron is very properly considered a raw material in respect to its various future uses, yet, as bar iron, the principal ingredient in its cost is labor. Of manual labor, no nation has more than a certain quantity, nor can it be increased at will. As to some operations, indeed, its place may be supplied by machinery; but there are other services which machinery cannot perform for it, and which it must perform for itself. A most important question for every nation, as well as for every individual to propose to itself, is, how it can best apply that quantity of labor which it is able to perform?

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* "The present equable diffusion of moderate wealth cannot be better illustrated, than by remarking that in this age many palaces and superb mansions have been pulled down, or converted to other purposes, while none have been erected on a like scale. The numberless baronial castles and mansions, in all parts of England, now in ruins, may all be adduced as examples of the decrease of inordinate wealth. On the other hand, the multiplication of commodious dwellings, for the upper and middle classes of society, and the increased comforts of all ranks, exhibit a picture of individual happiness unknown in any other age."—*Sir G. Blane's Letter to Lord Spencer, in* 1800.

Labor is the great producer of wealth; it moves all other causes. If it call machinery to its aid, it is still employed, not only in using the machinery, but in making it. Now, with respect to the quantity of labor, as we all know, different nations are differently circumstanced. Some need, more than any thing, work for hands; others require hands for work; and, if we ourselves are not absolutely in the latter class, we are still, most fortunately, very near it. I cannot find that we have those idle hands, of which the chairman of the committee speaks. The price of labor is a conclusive and unanswerable refutation of that idea; it is known to be higher with us than in any other civilized State, and this is the greatest of all proofs of general happiness. Labor in this country is independent and proud. It has not to ask the patronage of capital, but capital solicits the aid of labor. This is the general truth, in regard to the condition of our whole population, although in the large cities there are, doubtless, many exceptions. The mere capacity to labor in common agricultural employments gives to our young men the assurance of independence. We have been asked, sir, by the chairman of the committee, in a tone of some pathos, whether we will allow to serfs of Russia and Sweden the benefit of making iron for us? Let me inform the gentleman, sir, that those same serfs do not earn more than *seven cents* a day, and that they work in those mines, for that compensation, because they are serfs. And, let me ask the gentleman further, whether we have any labor in this country that cannot be better employed than in a business which does not yield the laborer more than seven cents a day? This, it appears to me, is the true question for our consideration. There is no reason for saying that we will work iron because we have mountains that contain the ore. We might, for the same reason, dig among our rocks for the scattered grains of gold and silver which might be found there. The true inquiry is, can we produce the article in a useful state at the same cost, or nearly at the same cost, or at any reasonable approximation towards the same cost, at which we can import it?

Some general estimates of the price and profits of labor, in those countries from which we import our iron, might be formed by comparing the reputed products of different mines, and their prices, with the number of hands employed. The mines of Danemora are said to yield about four thousand tons, and to employ in the mines twelve hundred workmen. Suppose this to be worth fifty dollars per ton; any one will find, by computation, that the whole product would not pay, in this country, for one-quarter part of the necessary labor. The whole export of Sweden was estimated, a few years ago, at 400,000 ship-pounds, or about 54,000 tons. Comparing this product with the number of workmen usually supposed to be employed in the mines which produce iron for exportation, the result will not greatly differ from the foregoing. These estimates are general, and might not conduct us to a precise result; but we know, from intelligent travellers, and eye-witnesses, that the price of labor, in the Swedish mines, does not exceed seven cents a day.*

The true reason, sir, why it is not our policy to compel our citizens to manufacture our own iron, is, that they are far better employed. It is an unproductive business, and they are not poor enough to be obliged to follow it. If we had more of poverty, more of misery, and something of servitude; if we had an ignorant, idle, starving, population, we might set up for iron makers against the world.

The Committee will take notice, Mr. Chairman, that, under our present duty, together with the expense of transportation, our manufacturers are able to supply their own immediate neighborhood; and this proves the magnitude of that substantial encouragement which these two causes concur to give. There is little or no foreign iron, I presume, used in the county of Lancaster. This is owing to the heavy expense of land carriage; and, as we recede farther from the coast, the manufacturers are still more completely secured, as to their own immediate market, against the competition of the imported articles. But what they ask, is to be allowed to supply the seacoast, at such a price as shall be formed by adding to the cost at the mines the expense of land carriage to the sea; and this appears to me most unreasonable. The effect of it would be to compel the consumer to pay the cost of two land transportations; for, in the first place, the price of iron at the inland furnaces, will always be found to be at, or not much below, the price of the imported article in the seaport, and the cost of transportation to the neighborhood of the furnace; and to enable the home product to hold a competition with the imported in the seaport, the cost of another transportation downward, from the furnace to the coast, must be added. Until our means of inland commerce be improved, and the charges of transportation by that means lessened, it appears to me wholly impracticable, with such duties as any one would think of proposing, to meet the wishes of the manufacturers of this article. Suppose we were to add the duty proposed by this bill, although it would benefit the capital invested in works near the sea, and the navigable rivers, yet the benefit would not extend far into the interior. Where, then, are we to stop, or what limit is proposed to us?

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* The price of labor in Russia may be pretty well collected from Tooke's "View of the Russian Empire." "The workmen in the mines and the foundries are, indeed, all called master-people; but they distinguish themselves into masters, undermasters, apprentices, delvers, servants, carriers, washers, and separators. In proportion to their ability, their wages are regulated, which proceed from fifteen to upwards of thirty roubles per annum. The provisions which they receive from the magazines are deducted from this pay." The value of the rouble at that time (1799) was about twenty-four pence sterling, or forty-five cents of our money.

"By the edict of 1799," it is added, "a laborer with a horse shall receive, daily, in Summer, twenty, and in Winter twelve copecks; a laborer, without a horse, in Summer, ten, in Winter, eight copecks."

A copeck is the hundredth part of a rouble, or about half a cent of our money. The price of labor may have risen, in some degree, since that period, but probably not much.

The freight of iron has been afforded from Sweden to the United States as low as eight dollars per ton. This is not more than the price of fifty miles land carriage. Stockholm, therefore, for the purpose of this argument, may be considered as within fifty miles of Philadelphia. Now, it is at once a just and a strong view of this case, to consider, that there are, within fifty miles of our market, vast multitudes of persons who are willing to labor in the production of this article for us, at the rate of seven cents per day, while we have no labor which will not command, upon the average, at least five or six times that amount. The question is, then, shall we buy this article of these manufacturers, and suffer our own labor to earn its greater reward, or shall we employ our own labor in a similar manufacture, and make up to it, by a tax on consumers, the loss which it must necessarily sustain?

I proceed, sir, to the article of hemp. Of this we imported last year, in round numbers, 6,000 tons, paying a duty of $30 a ton, or $180,000 on the whole amount; and this article, it is to be remembered, is consumed almost entirely in the usages of navigation. The whole burden may be said to fall on one interest. It is said we can produce this article, if we will raise the duties. But why is it not produced now; or why, at least, have we not seen some specimens? For the present is a very high duty when expenses of importation are added. Hemp was purchased at St. Petersburg, last year, at $101 67 per ton. Charges attending shipment, &c., $14 25. Freight may be stated at $30 per ton, and our existing duty is $30 more. These three last sums, being the charges of transportation, amount to a protection of near 75 per cent. in favor of the home manufacturer, if there were any such. And we ought to consider, also, that the price of hemp at St. Petersburg is increased by all the expense of transportation from the place of growth to that port; so that probably the whole cost of transportation, from the place of growth to our market, including our duty, is equal to the first cost of the article; or, in other words, is a protection in favor of our own product of 100 per cent.

And since it is stated that we have great quantities of fine land for the production of hemp, of which I have no doubt, the question recurs, why is it not produced? I speak of the water rotted hemp, for it is admitted that that which is dew rotted is not sufficiently good for the requisite purposes. I cannot say whether the cause be in climate, in the process of rotting, or what else, but the fact is certain, that there is no American water rotted hemp in the market. We are acting, therefore, upon a hypothesis. Is it not reasonable that those who say that they can produce the article, shall at least prove the truth of that allegation before new taxes are laid on those who use the foreign commodity? Suppose this bill passes, the price of hemp is immediately raised $14 80 per ton, and this burden falls immediately on the ship-builder; and no part of it, for the present, will go for the benefit of the American grower, because he has none of the article that can be used, nor is it expected that much of it will be produced for a considerable time. Still, the tax takes effect upon the imported article; and the ship owners, to enable the Kentucky farmer to receive an additional $14 on his ton of hemp, whenever he may be able to raise and manufacture it, pay, in the mean time, an equal sum per ton into the Treasury on all the imported hemp which they are still obliged to use; and this is called "protection!" Is this just or fair? A particular interest is here burdened, not only for the benefit of another particular interest, but burdened also beyond that, for the benefit of the Treasury. It is said to be important for the country that this article should be raised in it; then, let the country bear the expense, and pay the bounty. If it be for the good of the whole, let the sacrifice be made by the whole, and not by a part. If it be thought useful and necessary, from political considerations, to encourage the growth and manufacture of hemp, Government has abundant means of doing it. It might give a direct bounty, and such a measure would, at least, distribute the burden equally; or, as Government itself is a great consumer of this article, it might stipulate to confine its own purchases to the home product, so soon as it should be shown to be of the proper quality. I see no objection to this proceeding, if it be thought to be an object to encourage the production. It might easily, and perhaps properly, be provided, by law, that the Navy should be supplied with American hemp, the quality being good, at any price not exceeding, by more than a given amount, the current price of foreign hemp in our market. Every thing conspires to render some such course preferable to the one now proposed. The encouragement in that way would be ample; and, if the experiment should succeed, the whole subject would be gained; and if it should fail, no considerable loss or evil would be felt by any one.

I stated some days ago, and I wish to renew the statement, what was the amount of the proposed augmentation of the duties on iron and hemp in the cost of a vessel. Take the case of a common ship, at 300 tons, not coppered, nor copper fastened.

It would stand thus by the present duties:

14½ tons iron, for hull, &c.. $15 per ton	$217 50
10 tons of hemp at $30 - - - -	300 00
40 bolts Russia duck at $2 - - - -	80 00
20 bolts Ravens duck at $1 25 - -	25 00
On articles of ship chandlery, &c. -	40 00
	$662 50

The bill proposes to add:

$7 40 per ton on iron, which will be -	$107 30
$14 80 per ton on hemp, equal to -	148 00
And on duck, by the late amendment of the bill, say 25 per cent. - -	25 00
	$280 30

But to the duties on iron and hemp, should be added those paid on copper, whenever that article is used. By the statement which I furnished the other day, it appeared that the duties received by Government, on articles used in the construction of a vessel of 359 tons, with copper fastenings, amounted to $1,056. With the augmentations of this bill, they would be equal to $1,400. Now, I cannot but flatter myself, Mr. Chairman, that, before the Committee will consent to this new burden upon the shipping interest, it will very deliberately weigh the probable consequences. I would again urgently solicit its attention to the condition of that interest. We are told that Government has protected it, by discriminating duties, and by an exclusive right to the coasting trade. But it would retain the coasting trade, by its own natural efforts, in like manner, and with more certainty, than it now retains any portion of foreign trade. The discriminating duties are now abolished, and, while they existed, they were nothing more than countervailing measures; not so much designed to give our navigation an advantage over that of other nations, as to put it upon an equality; and we have, accordingly, abolished ours, when they have been willing to abolish theirs. Look to the rate of freights. Were they ever lower, or even so low? I ask gentlemen who know, whether the harbor of Charleston and the river of Savannah be not crowded with ships seeking employment, and finding none? I would ask the gentlemen from New Orleans, if their magnificent Mississippi do not exhibit, for furlongs, a forest of masts? The condition, sir, of the shipping interest, is not that of those who are insisting on high profits, or struggling for monopoly; but it is the condition of men content with the smallest earnings, and anxious for their bread. The freight of cotton has formerly been three pence sterling, from Charleston to Liverpool, in time of peace. It is now I know not what, or how many, fractions of a penny; I think, however, it is stated at five eighths.

The producers, then, of this great staple, are able, by means of this navigation, to send it, for a cent a pound, from their own doors to the best market in the world.

Mr. Chairman, I will now only remind the Committee that, while we are proposing to add new burdens to the shipping interest, a very different line of policy is followed by our great commercial and maritime rival. It seems to be announced as the sentiment of the Government of England, and undoubtedly it is its real sentiment, that the first of all manufactures is the manufacture of ships. A constant and wakeful attention is paid to this interest, and very important regulations, favorable to it, have been adopted within the last year, some of which I will beg leave to refer to, with the hope of exciting the notice, not only of the Committee, but of all others who may feel, as I do, a deep interest in this subject. In the first place, a general amendment has taken place in the register acts, introducing many new provisions, and, among others, the following:

A direct mortgage of the interest of a ship is allowed, without subjecting the mortgagee to the responsibility of an owner.

The proportion of interest held by each owner is exhibited in the register, thereby facilitating both sales and mortgages, and giving a new value to shipping among the moneyed classes.

Shares, in the ships of co-partnerships, may be registered as joint property, and subject to the same rules as other partnership effects.

Ships may be registered in the name of trustees, for the benefit of joint stock companies; and many other regulations are adopted with the same general view of rendering the mode of holding the property as convenient and as favorable as possible.

By another act, British registered vessels, of every description, are allowed to enter into the general and the coasting trade in the India seas, and may trade to and from India, with any part of the world, except China.

By a third, all limitations and restrictions, as to latitude and longitude, are removed from ships engaged in the Southern whale fishery. These regulations, I presume, have not been made without first obtaining the consent of the East India Company; so true is it found, that real encouragement of enterprise oftener consists, in our days, in restraining or buying off monopolies and prohibitions, than in imposing or extending them.

The trade with Ireland is turned into a free coasting trade; light duties have been reduced, and various other beneficial arrangements made, and still others proposed. I might add, that, in favor of general commerce, and as showing their confidence in the principles of liberal intercourse, the British Government has perfected the warehouse system, and authorized a reciprocity of duties with foreign States, at the discretion of the Privy Council.

This, sir, is the attention which our great rival is paying to these important subjects, and we may assure ourselves that, if we do not keep alive a sense of our own interests, she will not only beat us, but will deserve to beat us.

Sir, I will detain you no longer. There are some parts of this bill which I highly approve; there are others in which I should acquiesce; but those to which I have now stated my objections appear to me so destitute of all justice, so burdensome, and so dangerous to that interest which has steadily enriched, gallantly defended, and proudly distinguished us, that nothing can prevail upon me to give it my support.

When Mr. Webster had concluded—

Mr. Wood, of New York, stated that he rose with much reluctance, after the several able and intelligent gentlemen who had opposed the policy of the bill before the Committee; nor did he rise so much with a view to reply to what they had advanced, as to state the grounds of his own vote —that as no one had suggested the reasons which influenced his opinion, he deemed it his duty to state them to the Committee.

Sir, said Mr. W., the object of the bill before the Committee is to aid the industry of the country, by adjusting the proportions of the several branches to the state of the country; to aid the introduction and progress of manufacturing industry, by relieving it from the pressure of European competition; to sustain agriculture by providing a domestic market for provisions and raw materials; and to secure a permanent and increasing commerce by providing the materials which are necessary to sustain it. The produce of industry is the nutriment of commerce; and our shipping cannot, for any length of time, exceed the number which that will sustain.

Peace in Europe has cut off the carrying trade, and diminished our commerce in provisions, and the future prosperity of our foreign commerce is involved in the success of our domestic manufactures. However desirable it may be to cherish and enlarge so important a branch of national industry, it would be delusive to expect it to thrive and prosper without employment.

The power of regulating its intercourse with other nations belongs to every independent government. It may admit the productions of other countries, or exclude them. It may admit them freely, or under what modifications it may deem proper. The only way in which domestic manufactures can be aided is, by the imposition of duties; and this power in the distribution of authority between the General Government and those of the States, is allotted to Congress, and they have complete sovereignty over the subject.

It will not be denied that it is the duty of Government to exercise its powers in such manner as will be most conducive to the interests of the country.

In order to form a correct judgment on the subject, it is necessary to examine what are the duties of Government in relation to the industry of its citizens.

This is an important branch of political economy; but, in examining it, very little aid is to be derived from the existing treaties on that subject.

It is the province of political economy to devise the means of promoting the wealth and happiness of nations, and to aid the Government in executing its duties in relation to public industry.

The various writers on this subject have employed themselves principally in abstract and theoretical investigations respecting national wealth, and in estimating the comparative value of different employments of capital and labor, but seem to have framed their several systems without much regard to those elementary principles which lie at the foundation of society, and have omitted to point out the rules necessary to guide the interference of Government, or to define the purposes that require it, and are to be promoted by it, without which, no system of economy can be of much practical utility.

In the absence of all authority, we are compelled to resort to the exercise of our own reason, and to deduce the rules that ought to guide us, from the principles of human nature and of civil society; and I shall now proceed, with the utmost diffidence, to submit the result of my reflections to the candid consideration of the Committee.

Government is instituted for the benefit of the whole community, and is bound to consult the good of the whole; the very existence of society involves some restraint on natural rights, and requires that particular interests should be subordinate to the interests of the whole. A Government like ours, embracing a variety of climate and productions, necessarily requires mutual sacrifices to secure the general welfare. All measures relative to public industry should have reference to the situation of the country, the state of society, the condition of the population, and to the nature and character of the policy of the nation.

It is a constituent principle of the social contract, that the property and employment of the citizens should be conformable with the object of the association, and the ends of its political institutions.

The General Government cannot reach the employments of industry in any other way than by the imposition of duties, and it is the duty of Congress to exercise the power to advance the prosperity of the nation.

It is the duty of Government to introduce and cherish all such branches of industry as are necessary to supply the wants and secure the defence of the nation. This policy is enjoined by the maxim, that a nation should, in time of peace, prepare for war.

A dependence on other nations for necessaries of this character, might endanger the safety of the nation; our Navy is a most precious reliance for the defence of the nation, and I humbly conceive it would be true policy to foster the production of the materials necessary to the construction and equipment of our ships, rather than to rely wholly on Russia and Sweden for them. What would be our condition without them in a state of war with those Powers, or with a Power that could exclude us from the Baltic?

The establishments necessary for the fabrication of clothing and arms should be introduced at any sacrifice. No imaginary advantage to be derived from cheaper productions would compensate for the mischiefs that would result from the want of the means of self-subsistence and self-defence in time of war.

A dependence on the exchange of our raw productions of agriculture for manufactured goods, in time of peace, subjects us to all the inconveniences that result from the changes and fluctuations of foreign markets.

Foreign markets are affected by changes in the industry of the country; by changes of policy; by an alteration in their relations with other Powers;—and all intercourse is suspended by a war with this country.

The exchange of our raw productions of agriculture for the manufactured goods of other na tions adds to the industry and wealth of other nations, while it retards the growth and development of our own resources. The industry of the nation is the property of the nation, and requires protection against the interference or encroachment of that of other nations, as much as any other species of property.

It is said that the statesmen of Great Britain are opposed to the policy of supporting their manufactures by protecting duties. If this be true, it is because they no longer need support; they have derived all the benefit that protecting duties can give; they have acquired all the skill and facility in production which can result from three hundred years of protection. By this policy their manufacturing industry has attained a perfection which sets all competition at defiance. Her statesmen are governed by the same principle now as formerly. It was then her interest to impose restraints, and it is now her interest to remove them, with regard to such branches as are beyond competition.

Suppose England, with her present population, to be without manufactures, what would be her course of policy? She would be obliged to send a large proportion of her population to her colonies, or to support them as paupers, or provide them with employment. It would be as impossible for her to withstand the overwhelming competition of France and Holland, as it now is for us to embark in competition with her. She would find it necessary to adopt a system of the most rigid restriction, and to pursue the same course of policy that the nation adopted under Edward IV., and for the same reason.

Every consideration of interest and policy requires the introduction of those branches of manufactures that are necessary to supply the wants and secure the defence of the country.

It is the duty of Government to provide employment for all those whom the existing branches of industry will not accommodate, and who are idle for want of employment.

Production and consumption are the great engines of industry. Their reciprocal influence, like the opposite powers of a machine, keep society constantly in motion. If production exceeds consumption, idleness ensues; if consumption exceeds production, it will produce a more vigorous industry, until the balance is restored. The prosperity of a country without foreign commerce consists in an exact balance between production and consumption.

A difference in climate, soil, and industry, in different nations, renders their respective productions mutually beneficial; and it is the policy of commercial nations to produce more than is necessary for their own consumption, and to maintain a vigorous and diversified industry, by the mutual exchange of their peculiar productions.

A limited portion of the population of every agricultural country is adequate to the supply of its wants. The number of the surplus is different in different countries, and is modified by climate, soil, and state of society. In Great Britain, it is stated by Lowe, that 33 per cent. of the population supply the country with provisions; 46 per cent. are engaged in trade and manufactures; and that 21 per cent. comprise all the unproductive classes. From his tables of production, consumption, and exportation, it appears that, of the number engaged in manufactures, 28 per cent. supply the domestic consumption, and 18 per cent. are employed for exportation, or foreign consumption.

In the United States, it appears, from the returns of the last census, that 83 per cent. of our population are engaged in agriculture, and only 4½ in trade and manufactures.

The market which has heretofore sustained the excess of our agricultural industry is diminished; and, allowing one-half of our population to be able to supply us with provisions, and an agriculturist to produce as much here as in Great Britain, 33 per cent of our population do not produce what less than half the number could produce, with the inducement of a market. The unproductive classes, with such as are unoccupied for want of employment, make up the remaining 12½ per cent. of our population.

It is estimated that one-half of our population would be competent to supply the country with provisions; that 25 per cent. could furnish us with the necessary manufactures; that 10 per cent. would embrace all the unproductive classes; and that the remaining 15 per cent. might be employed in agriculture or manufactures for exportation.

Whether the population of a country is more or less numerous, without a foreign market, a portion of the population will be without any sure and constant employment; the production will exceed the consumption of the country, and new branches of industry will become necessary.

The permanent excess of production over consumption is the only correct criterion by which the necessity of a division of labor is to be determined. This does not depend on any particular ratio of the population to the extent of country, or to the square mile. This is altogether arbitrary and uncertain.

It has been alleged that the United States are not populous enough for manufactures; that Great Britain contains 165 to a square mile, and that the whole territory of the United States does not contain four to a square mile.

It would have been as fair to have added Canada and New Holland to Great Britain, as the region beyond the Mississippi to the United States; and that would have made the ratio less unequal. Lowe estimates the population of England, in 1377, some time after the woollen manufacture was established in that country, at 2,300,000, which is only about forty-six to a square mile; which is less than that of some of the States; and states, that there were only eighteen towns that contained above 3,000 inhabitants. The superior capacity of the United States for manufactures, is so obvious, that it would be a waste of time to make the comparison.

It is not the density of population in the country, but the collection of people in towns and villages, that facilitates a division of labor and furnishes a sufficiency of hands, and a market, that will support a diversified industry. There is no certain rule, but the one before stated; when production exceeds consumption, and a portion of the people are without occupation, for want of employment, the period has arrived when a division of labor has become necessary. This rule is certain, simple, without ambiguity, and admits of universal application.

The disposition, or employment of the surplus population, is a proper subject of legislative regulation. This involves no interference with private rights, and is no violation of the freedom of industry; the object is to provide employment for those who have none, whose industry is repressed by the policy or interfering industry of other nations, and which nothing short of legislative interference can relieve.

The growth of our manufactures is as effectually prevented by the moral restraints imposed by the superior advantages of those countries with whom we have a free and regular commercial intercourse, as if they were under legal restrictions, and no power less than that of the nation can control those obstacles.

This is an important branch of public policy; it is the true foundation of political economy, the basis of national wealth; every system that is not erected on this foundation, rests on the sand.

The interference of Government to secure employment to this class of the population, is absolutely necessary to render the nation industrious. Industry will always be in proportion to its reward. If a farmer has no market for his surplus productions, the supply of his own wants will be the measure of his exertions; and if there be no foreign demand for the surplus produce of the country, the industry of the nation will be limited to the supply of the nation. The want of a market for surplus productions as effectually limits the exertions of industry, as if the surplus was liable to the grasp of a licensed plunderer, as is now the case in Turkey. Whether the surplus of the farmer perishes on his hands, or is taken from him by force, the effect on industry is the same.

It is the policy of Government to provide objects for the occupation of all the citizens. The general prevalence of industry among the great mass of the people is indispensable to good order, peace, and domestic security; to prevent idleness, pauperism, and crime, and all those mischiefs which usually result from an unoccupied and necessitous population.

The interference of Government to provide employment for labor, is necessary to encourage marriage and foster the increase of population. The increase of population is usually in proportion to the means of acquiring subsistence. Man is the only being on earth that is endowed with moral and intellectual powers—to multiply the number, is to subserve the designs of Providence, by extending the empire of moral excellence; numbers also contribute to the wealth and glory of a nation.

Marriage lies at the foundation of society; it involves the tenderest relations of life; is the nursery of all the virtues, and the constant scene of their exercise. It is in domestic society that the principles of order, subordination, industry, and virtue, are acquired, and youth are trained for the duties of riper years. An inability to provide support for a family deters from marriage, and retards the increase of population; it is fostered by a thriving state of society—by peace and security—and by all those moral and physical causes which encourage industry and insure its reward.

Again, the interference of Government to procure employment for the surplus population is required to increase the wealth of the nation.

National wealth consists in the improvements and productions of industry, and in the general distribution of the necessaries and comforts of life among the great body of the people.

The great sources of national wealth are agriculture, manufactures, internal trade, and foreign commerce. Each of these branches of business contributes more or less to sustain the industry of the nation—united they multiply the operations of labor, and lay the most secure and solid foundation for the increase of consumable commodities, the genuine ingredients of national wealth. It is necessary to the health of the body politic, that each of these branches should be in proportion to the peculiar office which it is destined to perform in the operations of the industry of the nation.

A disproportion in the organs necessary to enable it to perform its proper functions, deforms society as much as a disproportion in the necessary members would deform the human body—they are all necessary, and intimately connected—the prosperity of one is interwoven with that of the other.

Agriculture furnishes subsistence and raw materials—manufacturing industry fabricates and improves the raw materials for use and consumption, and furnishes a new stock of rich and valuable articles, which commerce exchanges for the produce and manufactures of other countries. The invention of modern times has greatly aided and extended manufacturing industry, by furnishing the means of supplying the place, and avoiding the expense of manual labor, by machinery.

The annual production of Great Britain and Ireland, exclusive of pasture and food for beasts, is estimated by Mr. Lowe at £330,000,000, which is derived from the following sources:

Agriculture - - - -	£117,000,000
Mines and minerals, including coal - - - -	9,000,000
Manufactures - - - -	114,000,000
Internal trade and banking -	35,000,000
Foreign commerce and shipping	46,000,000
Coasting trade - - -	2,000,000
Fisheries, exclusive of Newfoundland - - - -	2,000,000
Foreign income remitted -	5,000,000
	£330,000,000

Manufactures contribute more than twenty-five per cent. of the whole production—the income from internal trade is less than that from foreign commerce. This is to be ascribed to the limited extent of the country. Internal trade increases with the extent of the country, the variety of climate it embraces, and the facilities of its internal communication. The internal trade of China is said to be equal to the whole trade of the several States of Europe with each other.

It is stated in an official report that the exports and imports of France in 1789 amounted to nearly 800.000,000 of francs, and that the whole was not a fifteenth part of her internal commerce. The profits of the industry which manufactures and internal trade put in motion, are earned within the country, and operate exclusively for its benefit, by augmenting the income and improving the resources of the country, while foreign commerce benefits the industry and resources of all nations indiscriminately.

No country on earth has so many natural facilities for internal intercourse as the United States, and in no country, when our resources come to be fully developed, will it be more productive.

Again, the interference of Government in relation to its surplus population, is necessary to fix the character and policy of the nation. It is the occupation or employment of the surplus population that forms the political character of the nation.

The policy which we have heretofore pursued was adapted to the existing state of the country in relation to the war in Europe, but is not suited to the new state of things which has resulted from a general peace; nor is the political character of the nation fully settled; our moral and physical energies may be devoted to war and conquest, or to peace and the cultivation of the arts, which improve and adorn society according to the direction we give to the passions of our surplus population.

Men are governed by their passions; and it is the province of a wise Government to avail itself of the passions of the people, and to render them subservient to the true interest of the nation. That to which it gives the ascendency, characterizes the policy of the nation, and fixes its destiny—this will be illustrated by a recurrence to history.

It was the policy of the Romans to render every other passion subservient to the love of military glory, and that formed the distinguishing trait in their national character. The Greeks gave the ascendency to the love of literary fame, and that formed the most prominent feature in the character of the nation.

These two nations are thus characterized by the great Roman poet, in the form of an ancient prophecy, depicting their future destinies:

Excudent alii spirantia mollius æra,
Credo equidem; vivos ducent de marmore vultus;
Orabunt causas melius: cœlique meatus
Describent radio, et surgentia sidera dicent;
Tu regere imperio populos, Romane, memento:
Hæ tibi erunt artes: pacisque imponere morem,
Parcere subjectis, et debellare superbos.

"Let others better mould the running mass
Of metals; and inform the breathing brass;
And soften into flesh a marble face;
Plead better at the bar, describe the skies,
And when the stars descend, and when they rise;
But, Rome, 'tis thine alone, with awful sway,
To rule mankind, and make the world obey!
Disposing peace and war—thy own majestic sway—
To tame the proud—the fettered slave to free;—
These are imperial arts, and worthy thee!"—Dryden.

The disposition of the surplus population has formed the character and policy of every nation.

It was the policy of Egypt and India, as it is that of China, to avoid intercourse with foreign nations, and to live within themselves. They employed their surplus population in vast military establishments, and in public works. To this policy must be ascribed the canals, the magnificent temples, and the pyramids of Egypt, and to the same policy must be ascribed the great wall and the canals of China. They were obliged to preserve a balance between the different departments of industry, in order to secure the subsistence of the nation; every occupation is discouraged in China that would be likely to draw from agriculture the proportion necessary to subsist the nation.

So nicely is the balance of production and consumption adjusted, that foreign commerce, by diverting labor from agriculture to manufactures, would endanger the subsistence of the nation.

It is not from caprice, therefore, but on the soundest maxims of her policy, that China interdicts the extension of foreign commerce to her citizens.

The effect of an anti-commercial policy is to limit industry, and to multiply the proportion of unproductive hands; to retard the progress of improvement; to keep the nation stationary; to render it selfish and unsocial; and to cherish a spirit of jealousy and hostility towards other nations.

The policy of Rome was war and extension of empire. She had no friendly intercourse with other nations, and employed the whole of her surplus population in her armies. The love of military glory absorbed every other passion: to be distinguished in war was the highest ambition of her Consuls, and her soldiers, and military prowess formed the themes of her poets and historians. This policy was hostile to the peace and independence of all nations, and ultimately subjected them to her dominion, and rendered her the mistress of the world.

In Europe, before the decline of the feudal system, every man was a soldier. To that system succeeded the practice of employing mercenaries in time of war, who in peace formed a banditti, and covered Europe with rapine and disorder. To relieve the country from this scourge, recourse was had to standing armies, in which the surplus population was employed.

After the discovery of America, and the passage to India by the Cape of Good Hope, the surplus population of Europe was taken off by colonization. In the meantime, the arts were introduced into Italy from Constantinople. Towns were erected, with certain immunities favorable to liberty and industry. The influence of these communities, in aiding the sovereigns to curb the power of the nobility; in suppressing robbery; in repressing the spirit of war, by giving employment to the people; in improving agriculture, and in increasing the comforts of society, and the wealth of the country, procured their establishment throughout Europe. These communities were the birth-place and nursery of manufactures in different countries, and are enumerated by all the writers on the subject, as one of the principal causes of civilization in Europe. A demand for the products of industry, which pervades society in every stage of its progress, rendered intercourse between the several nations more frequent, removed their mutual jealousies and prejudices, which had kept them in perpetual wars, and improved the manners and ameliorated the condition of the people.

Commerce and manufactures introduced a new era in the history of Europe. The several nations adopted a policy more congenial with the natural rights of men and the improved state of society than war.

The good effects of industry in tempering the violence of the passions, and in enlisting them on the side of law and order, led the sovereigns of Europe to foster the establishments of industry in their dominions. New objects of desire brought new passions into exercise, and secured the ascendency of that which is more universal and constant in its operation than any other, and better adapted to the ends of the social union.

They are thus taught by experience to estimate the influence of the passions on society, and the importance of giving effect to that, the prevalence of which is intimately connected with the peace, order, and prosperity, of society; the great secret of modern policy—the true foundation of public security.

They substituted the love of property for the love of military glory, and lessened the inducements to war by making peace the interest of the great body of the people, by a productive industry. This policy characterizes all their regulations that are intended to secure employment to their surplus population. They encouraged manufactures by securing to them the domestic market, and by providing a market for them in other nations, by stipulations with those nations for the mutual exchange of their productions.

The effect of which policy is to increase the quantity of industry—to lessen the number of unproductive hands—to facilitate the means of subsistence and comfort, and to render the whole population contented and happy.

The United States since they were independent, have until recently, found it their interest to continue the policy that was imposed on them by Great Britain while colonies; they have devoted themselves almost exclusively to agriculture, and have exported their provisions and raw materials, and exchanged them for the manufactured goods of other countries, and chiefly for those of Great Britain.

While the war in Europe continued, the demand for our provisions created an active industry, and gave employment to all our citizens. The peace in Europe, by enabling those countries to augment the products of agriculture, has destroyed the demand for our provisions, and has left us without a market for our surplus productions, or with a very limited one; many articles of agricultural produce cannot be sold for the cost of production; this has paralyzed agricultural industry; the farmers have contracted their operations and diminished the number of their hands.

Improved land has fallen, and become the most unprofitable subject for the investment of capital. The whole estimate of real estate in New York fell 18 per cent. under the advantage of a vast expenditure, from 1815 to 1821. Many, who a few years since, purchased their farms on credit, have been obliged to sell them at a sacrifice. In many cases of partial payments, farms have been sold for less than the sum for which they were mortgaged, and the owners are ruined. The uncertainty of a market for the productions of agriculture forbids purchases on credit, and a large class of industrious citizens are without any certain or constant means of employment.

Our manufacturers are excluded from our own markets as well as from those of other countries by the superior advantages of British manufacturers. Their industry languishes, and many of them are thrown out of employment, as well as the farmers; many of our forges are abandoned; factories erected at great expense, are shut up; many flouring mills are idle, and many vessels are lying at our wharves for want of freight. The number of paupers, especially that class which require only occasional relief, is rapidly increasing. The expense of paupers in New York increased from 1815 to 1822, from $245,000 to $470,000.

Permanent paupers to the whole population in England are in the ratio - -	of 1 to 22
In Pennsylvania - - -	of 1 to 265
In Delaware - - -	of 1 to 227
In New York - - -	of 1 to 220
In Connecticut - -	of 1 to 150
In New Hampshire - - -	of 1 to 100
In Massachusetts - -	of 1 to 68

Perseverance in our present condition will increase and aggravate these evils. It is the settled policy of the manufacturing nations of Europe to derive the means of subsistence from their own soil, and without a market for our surplus productions or a division of labor by the introduction of new branches of industry, a portion of our population will be without employment.

What is the true policy of the nation in relation to its surplus population?

No plan will afford permanent relief that is not calculated to embrace the whole mass of our surplus population in every stage of society to the utmost extent of its future increase. It is calculated that the United States will, at no very distant period, contain 200,000,000 people, and if we divide this population as that of Great Britain is now divided, the surplus will amount to 36,000,000, of which, at least 3,600,000 will be men capable of bearing arms.

The whole of these people must be supported; Government must enable them to support themselves, or must support them, or they will be compelled to seek subsistence by means less favorable to the peace and good order of society. It is the province of a wise policy to guard by prudential provisions against an event so unpropitious as the last.

The direction which we now give to the employment of our surplus population is of the highest importance; it is destined to endure for ages, to fix the character and policy of an immense empire, and through its influence to affect the moral condition of the world.

Government must mould the passions to its views, or the passions will mould the Government to suit their gratification: let the current once take its course, you in vain attempt to change its direction; it wears a deeper and deeper channel, till at length every impediment that can be interposed to obstruct its progress, will be swept away by its impetuosity.

The time has arrived, in the progress of society in the United States, when a division of labor has become necessary; it will not be possible much longer to prevent it; prudence requires that we should make provision for its introduction. If we forbear to refuse to act, a policy may be forced on us which may be contrary to our wishes, and hostile to the interests of the nation. We must direct the course of our policy, or accident will determine it. We may now direct and control the popular passions; we may give them an impulse that may fix the character and policy of the nation conformable to our wishes; but an attempt to restrain them, when once they have become inflamed by a favorite pursuit, would be in vain.

There are only three courses for us to pursue: we must adopt the policy of China, of Rome, or of modern Europe.

The policy of China is unsocial, hostile to industry, to population, to the cultivation of the intellectual powers, and to all those improvements that are derived from the mutual intercourse of nations.

It would be incompatible with our moral feelings and habits, as well as views of national prosperity, to imitate the policy of that singular Government.

Shall we adopt that of Rome, and employ our surplus population in wars, for the extension of empire? A military policy would require that the whole energies of the nation should be directed to the improvement of its physical force; that a military spirit should pervade the nation; that the love of military glory should absorb every other passion; and that distinction in war should become the highest object of ambition.

Conquests must be achieved, the empire must be enlarged, your generals must be rewarded with the governments of the conquered countries, and your treasury supplied by taxes levied on them.

What would be the end of this policy? Lift the veil that hides futurity from your view; cast your eyes down the long vista of time; behold a future Pompey returning from his government, loaded with wealth and military honors, seeking a new command; behold, on the other hand, a future Cæsar, preferring his claim to a choice of the provinces, and returning with his legions to support his pretensions; see the State divided, distracted, and terrified, by the conflict between these mighty conquerors. The sword decides the contest; victory inclines for Cæsar; and now, without a rival, he is no longer satisfied with half of the empire, he claims the whole; and the Senate, the last hope of the Republic, overawed by his fortune, submits to the conqueror, and liberty expires!

Who can contemplate this picture, without shrinking from the thought of a military policy?

What has happened may happen again; human nature is the same in every age, and the tendency of the passions, in like circumstances, is the same. The spirit of conquest lessens the force of domestic attachments, relaxes the ties that bind society together, and enfeebles the restraints of moral obligation.

The spirit of the age, the state of society, our local situation, and the principles of our political institutions, forbid our adopting the policy of Rome, or becoming a conquering nation.

Our true policy consists in the improvement of our physical and moral condition, not in the extension of empire. It is our interest, in imitation of the policy of modern Europe, by a productive industry, to give employment to all our citizens, to insure the means of subsistence to all—to make peace the interest of all, by a community of interests, by a common participation in the enjoyments of society, and by all those ties by which the social union is cemented, and the country endeared to its citizens.

The only practicable course to effect these purposes is to introduce and foster a branch of industry which will contribute to the supply of our own wants and will furnish productions which are in demand in other countries, and to secure a market for them, by establishing commercial intercourse with those countries. No branch of industry can be compared with manufactures in this respect.

Most nations raise their own provisions, but few supply themselves wholly with manufactured goods. There are no commodities for which there is so universal and uniform a market—they are an object of desire to the civilized man and to the savage; the demand for them is co-extensive with the habitable earth, and will be coeval with its duration.

The durable nature of most manufactures, and the general demand for them, render them much fitter to sustain the changes and fluctuations of foreign markets, than the productions of agriculture.

The labor of that portion of our population, which exceeds the number necessary to maintain our present rate of agricultural productions, is competent to produce the greater part of necessary manufactures.

The establishment of manufactures would divide the labor of agriculture between provisions and raw materials, would furnish a domestic market for a portion of them, and would reduce the surplus for exportation within the limits of the demand for foreign consumption.

The introduction of manufacturing establishments among us cannot be effected without some difficulty; but the advantages that will result to the community will compensate for the sacrifice.

Such are the advantages of the British manufacturer over the American, that the duties heretofore laid, together with all the incidental expenses, do not prevent his underselling him in our own market, except in a few cases in which they were intended to be prohibitory. The superiority of the British manufacturer results from low wages, which lessen the price of production, and an unlimited market, which enables him to sell for a small profit, or at a low price. The price of labor is in proportion to the expense of living and the scarcity of hands. There is very little difference in the expense of living; clothing is dearer, but provisions are cheaper here than there. The expense of a pauper is very nearly the same in the two countries.

Hands are scarcer and common laborers live better here than in Great Britain; this last circumstance is the result of the state of society, and the equality of our political institutions, and it is not the wish of patriotism that it should be otherwise.

Hands are, however, in sufficient numbers for the establishments that would be erected for some time to come, and the number will increase as they may be required for new employments. Besides, the price of labor is relative, it is in proportion to the compensation of other employments, and the price of all other things, and the difference is almost wholly done away by the use of machinery.

The American capitalist has no encouragement to invest his capital in manufacturing establishments, unless he can be assured of the domestic market, and this cannot be assured to him in any other way than by the imposition of duties equal to the difference in the price at which the British and American manufacturer can afford to sell the same article in our market.

The additional duty will necessarily enhance the price of the goods to the consumer, until it is reduced by the acquisition of skill, experience, and an extended market, by the American manufacturer.

The additional price, however, is not, as has been alleged, for the exclusive benefit of the manufacturer. It is divided among all who in any respect contribute to the production of the article. The farmer will receive a portion of it in the increased price of the raw materials and provisions which he furnishes. The workmen will receive a part of it in their wages, and the manufacturer will only retain the ordinary profit on his capital.

Nor is the additional price secured by the duty advanced by the consumers without a consideration; they are compensated by the augmented demand and increased price of their labor and commodities. The additional price will, indeed, be divided among all classes of society, and all will be reimbursed by the impulse it will give to the industry of all.

The additional duties will secure to the country all the advantages which can result to its industry and wealth, from the fabrication of nearly thirty millions of manufactured goods, which now add to the industry and resources of other nations.

If the duties in the bill are not properly graduated, they may be altered; that forms no objection to the principle.

There is very little doubt if our industry is directed to such manufactures as are aided by machinery, and employed on such raw materials as the country produces in sufficient quantity, and at a reasonable rate, but that they will succeed under a reasonable protection. Skill and experience will follow, capital will be accumulated, and our manufacturers will soon be able to supply our own wants at a reasonable price, and to sustain a competition with foreign manufacturers in foreign markets.

The successful establishment of manufactures will give activity to agriculture, will cement our Union by the ties of mutual interest, by creating an internal trade between the different sections of the country, by beneficial exchanges of raw materials and provisions for manufactured goods, will provide materials for a permanent and increasing foreign commerce, will diffuse the means of comfort among the poorer classes of the community, and will augment the wealth, strength, and happiness of the nation.

But the policy embraced by the bill is recommended by still higher considerations. It will repress the spirit of conquest, will secure the peace of the country by making its continuance the interest of all our citizens, and it will have a salutary influence on the moral condition of the world, by exhibiting an example of a people living under free institutions, wholly devoted to the pursuits of private industry and the cultivation of the arts which improve and adorn society—cultivating a friendly intercourse with all nations, and contributing, by mutual exchanges of the products of their industry, and a reciprocation of good offices to the happiness of all.

Under a conviction that the policy involved in the bill will contribute to these results, and render the country a blessing to the world, I shall conclude my remarks with regard to it with the wish of Father Paul, in relation to his country—"*esto perpetua.*"

When Mr. Wood had taken his seat—

Mr. Garnett said, although the immediate subject before the Committee was a motion to strike out the minimum on cottons, following the example of those who had preceded him in the debate, he should take the opportunity to offer some of his views on the general merits of the bill. He did not intend to take so wide a range as some of the gentlemen who had spoken; for, if he had the inclination, he had not the physical ability to be elaborate.

More important consequences, said Mr. G., than those involved in the policy of this bill, could scarcely be presented to the hopes or the fears of the nation. It is a policy which, departing from the true and safe design of the Constitution, which limits the power of taxation to raising revenue, assumes a principle that renders it undefinable and illimitable—a principle, which, under the pretext of promoting the national wealth and independence, enables the Government to destroy the revenue; to violate the rights of property; to change the political relations of the States that compose the Confederacy; and, perhaps, finally to subvert the Constitution itself. Since I have been a member of this House, said Mr. G., I have witnessed the discussion of many questions of the deepest interest, affecting the integrity and existence of the Constitution—questions which produced an intensity of excitement proportioned to their high importance; but, in my opinion, none has ever been agitated, which more deserves to excite our interest and anxiety, than the present; for, if the policy now proposed should be adopted, the Constitution itself is no longer of any value, it is insufficient for the ends for which it was established; it is inadequate to secure our liberty and happiness. If a legislature, which is supposed to contain the assembled wisdom of the freest, (it does not become me to say the most enlightened,) people on earth, in this advanced age of human reason, in a time of profound tranquillity, without foreign force or internal corruption, can, after mature deliberation, under an idea of public benefit, voluntarily revive a system of policy which belongs to a darker age; which is utterly incompatible with the rights of property, and the principles of free government; which alike sets at naught the speculations of philosophy, the lessons of experience, and the obligations of justice; and which goes to surrender all our acquisitions of wealth, liberty, and knowledge, and to subvert the whole frame of polity which we have established for their security and advancement; such a spectacle must be calculated, not only to destroy all prospects of our own happiness, but to extinguish the best hopes for the future progress and improvement of human society. It will show the perversity of man to be such, that no matter what blessings a kind Providence may have bestowed on him; no matter what advantages he may have secured by his wisdom, or achieved by his valor, they are not destined to endure; that there is a morbid principle in his nature which forbids the perfection, and limits the duration of his happiness; and that, if if evil does not assail him from some external source, he will find or fabricate it for himself.

When a new measure of policy is proposed, while it is important to understand its true character, it is sometimes not uninstructive to examine the motives which lead to it. And, when I speak of motives, I wish it to be understood, that I allude to the great body of manufacturers in the nation, not to their Representatives in this House, who are acting in obedience to their instructions. The alleged motive of the proposed system is the promotion of the national wealth and independence; but, is it not strange that the patriotic zeal for these objects should be confined entirely to certain classes of individuals, and to geographical divisions? Is it not strange that the people of the South, whose patriotism has never been impeached, or even suspected, as far as I know, should, all at once, be entirely insensible to considerations of national prosperity, and should not only not participate in the zeal for its promotion, but should be passionately opposed to it? Is it not passing strange that their grievances should be made the pretext for the system, and yet, that the remedy should apply exclusively to others? Yes! *their* grievances, I say, because the apology is, the refusal of foreigners to receive our agricultural produce; (the people of the South are all agriculturists;) and yet the benefit accrues entirely to the manufacturers. Do not these considerations force every dispassionate mind to the conclusion, that general prosperity and national independence are not contemplated by this system?—that local advantages, individual wealth, and dangerous aggrandizement are its real objects.

But, Mr. G. said, he was willing to meet gentlemen on the question of national wealth and independence. That, after all, was the real question. Gentlemen might consider the subject in as many relations as they pleased—historical, political, economical, financial, metaphysical—(and he believed it had been considered in all these and many others,) the true inquiry was this: Would the national wealth be increased or diminished? If it would be increased, were the means just and lawful? And if it would be diminished, were there any advantages to compensate us for the sacrifice? He thought it would not be difficult to demonstrate that the national wealth would be diminished, that there could be no compensation for this diminution, and that the means were unjust and unconstitutional.

Why the very statement of the question implied that there was an immediate loss to the nation from this system. What did it propose? Certain manufacturers came to you, and said they could not sell their manufactures, because foreigners brought commodities of the same kind to this country, and sold them cheaper than they could do, and they asked you to raise the price of them: to make your citizens pay more for them. This immediate loss nobody did, nobody could, deny; but the pretext was, that it was temporary; that subsequently, the consumer would be indemnified, *directly*, by getting the domestic manufacture cheaper than the foreign; and *indirectly*, by getting a higher price in the home market, for his own products. Now, on the reality of this promised indemnification, the whole question depended. If there were no such indemnity, the system must be abandoned, as utterly indefensible and absurd; unless it could be shown that there was some other advantage in it to compensate for its evils. He should endeavor to prove that the expectation of any such indemnity or any other benefit, was entirely fallacious. But, before he entered on this part of the subject, he would take occasion to remark, that, if there really was no compensatory circumstances in this system, the manner in which the immediate loss, which was admitted, was distributed in the community, was an inquiry of the highest importance—an inquiry involving the justice of the measure, and the right of the Government to take the property of one citizen without compensation, and give it to another, and to reduce the mass of national wealth, without a public benefit. With a view to show in what manner this loss was distributed, he would read, (if he should not be acccused of egotism,) from the report of the Committee on Agriculture, made in 1821, an extract which contained a more precise and accurate illustration of the distributive operation of protecting duties, than any he could then think of; and which, he was bold to say, but for a single error or inadvertence not affecting the general conclusion, which had been pointed out to him by an honorable friend from Virginia, (Mr. Rives,) would be found entirely unexceptionable:

> "The first position that it will be attempted to prove, is, that the necessary effect of an increase of duties is, to diminish both immediately and ultimately, the amount of national wealth. The loss, however, of the nation, the loss of those who pay the duties, and the gain of those who receive them, do not always correspond, but vary, with particular circumstances. In what manner this loss and gain are distributed in society, will be best illustrated by an example. If, for instance, a community of four persons were engaged in an occupation which enabled them to realize six per cent. on equal capitals, and three of them were to give the fourth one per cent. or one-third of one per cent. each, to enable him to carry on an employment in which, unassisted, he could only make five per cent., it is evident that the loss of the contributors would be one per cent., and that it would be exactly the loss of the community, whilst the gain of the receiver would be nothing; and, unless that part of his profits which he received from the others was as productively employed as it was by them, he might be a loser, and thus still further augment the loss of the community. But this is a case that would not be apt to occur. The fourth individual must have something more than six per cent. which he already made, to induce him to abandon his old occupation, and pursue a new one, say seven per cent. In this case, the others would have to pay him two-thirds of one per cent. each. It is obvious, now, that the loss of the contributors would be two per cent.; that the gain of the receiver would be one per cent., and that it would correspond with the loss of the community, which would also be one per cent. or the difference between the productive value of his old and new employment. If this bounty were given to induce an individual to continue an occupation in which he was already engaged, then, although the contributor would lose all he paid, and the receiver would gain it; the community would lose nothing, and there would only be a transfer of wealth from one to another. This, however, would not be the case with a manufacture thus continued by a bounty. There would be an immediate loss, occassioned by the increased cost of consumption; nor would it be possible to make one employment so much more profitable than another, without its attracting capital from that other; and this would be the source of innumerable other losses, hereafter to be noticed. In the case that has been stated, it is clear, that the loss of the contributors is exactly what they pay; the gain of the receiver is their loss, less the difference between the productive value of his old and new employment, and the loss of the community is precisely this difference. In manufactures, such would be the operation of a duty that was prohibitory; a duty that was merely protective, would permit a portion of the commodities consumed to be bought of foreigners, and thus a part of it would go into the Treasury. This would not vary the proportion of the loss and gain of the contributors and receivers, but would, in some degree, increase the loss of the community, as composed of both, as this portion of the duty would be less productively employed by the Government than it would have been, had it remained in the hands of either of the parties. This does not prove that prohibitory are better than protecting duties. There are other consequences which make duties injurious in proportion to their amount. All these observations may be applied, (*mutatis mutandis,*) to the consumers, the manufacturers, and the nation, under the protecting duty system. Two descriptions of persons would derive the benefit; a few, who continue their old employments, and a great many who engage in new ones. In both cases, the loss of the consumer is what he pays, and is unredeemed by any circumstances whatever. In the first case, the loss of the nation arises from the increased cost of consumption; in the second, it arises from this cause, and the diminished productive value of the new employments of society. In the first case, the gain of the manufacturer is the loss of the consumer, less the increased cost of his own consumption; in the second, it is this loss diminished by the same cause, and the diminished productive value of his labor. But, besides these direct losses, there are others, indirect and collateral, which are, however, not less inevitable; losses which affect the consumers, and, in some degree, ultimately reach the manufacturers themselves."

This statement left entirely out of view all those indirect and collateral losses arising from the destruction and suspension of the fixed and the circulating capital of the country; from the diminution of consumption, and consequently of production; from forcing commercial capital abroad in search of employment; and from the general stagnation of business produced by the compulsory transfer of property, and by the reluctant exertions of vicarious and unrewarded industry; these, and many other evil consequences, were inevitable; but they were undefinable and incalculable, because they were immeasurable and progressive. Each might furnish matter for a separate argument; but he meant to confine himself to the immediate, direct, and admitted loss, which, though inferior in magnitude to the collateral losses, was susceptible of more strict calculation. If he could show that there was no compensation for this, it would be enough. The development of all its unhappy consequences might aggravate the inexpediency of the policy, but could not render it more clearly unjust and absurd.

I am aware, continued Mr. G., that every argument which does not profess to be founded on statistical facts, but appeals to general principles, is stigmatized by the advocates of this system as theoretical. But this is only one of the artifices of the rhetoricians, whereby a speaker endeavors to weaken and discredit a charge, to which he knows himself to be liable, by bringing it against his adversary. In the invidious sense of the term, they are certainly more liable to the charge than their opponents. The truth is, both parties have theories, if they have general principles. The difference is, that the theory of the enemies of the system has been approved and confirmed by the reason and experience of mankind, while that of its friends has been condemned and exploded—has been proved to be (what it will now turn out to be in more than one sense) a speculation—to be a system founded, not on a cautious examination and inductive arrangement of facts, but on partial views, incoherent generalizations, and hazardous conjectures. A theory (which, properly speaking, must be derived from the observation of facts,) is nothing more than the expression of the general principle which explains the relation of cause and effect as to these facts, and being thus evolved by events that have happened, is applicable fairly to those that are to come. If a statesman affirms that a system of measures will be followed by a chain of consequences, he must certainly have some general principles, some theory by which he can explain their connexion. If he can give no better reason for his assertion than his belief that such measures had been followed by such consequences heretofore; if he is unable to explain why the cause should produce the effect; and if his expectations conflict with received maxims, why, there is every reason to suppose that he labors under some mistake; and that such consequences have either not taken place at all, or that they have existed under different circumstances, or have been owing to other causes than those to which he ascribes them. But though we have a right to expect some exposition of the general principles of the system, in all that I have heard in this House, or read out of it, said Mr. G., I have met with no attempt to analyze and demonstrate its necessary tendency to increase the national wealth, its *modus operandi*. Instead of this, gentlemen invariably appeal to what they choose to denominate facts or examples, which either do not exist, or which, if admitted, would depend entirely on the general principles by which they are explained, whether they support or overthrow their argument. Their favorite example, and one which the Speaker has made the theme of a considerable part of his speech, (which was characterized by his usual eloquence,) is that of England. But most of the enlightened men in England, both theoretical and practical, are united in the opinion that she has become wealthy, not *by* the restrictive system, but in *spite* of it; presenting a weight of authority against this system, that it would be more chivalrous than logical even for the Speaker to defy. England owes her prosperity to her great moral and natural advantages—to the genius and enterprise of her people—her comparatively free institutions—her insular position—fuel, navigation, colonies, &c. If she owes it to her restrictive system, let it be shown how it has operated. This cannot be done. Gentlemen must first show that the causes I have enumerated, on the authority above alluded to, either have had no effect at all, or they must assign to them the precise *quantum* of effect they have produced; and then, if any yet remain unaccounted for, they still have the task of proving that it is owing to the restrictive system. But political economy, though admitting of a great degree of certainty in its results, is not exactly like the science of experimental philosophy, where, by successively abstracting the circumstances which attend a phenomenon, you may, by the inductive process, determine which of them stands in the relation with it of cause to effect; and I fancy it will puzzle any political metaphysician, however great an adept he may be in the theory of *causation*, to trace the *necessary sequence* of the wealth of England to her restrictive policy.

The honorable Speaker had ascribed the general distress which pervaded the country to the absence of this system; or, in other words, to the absence of taxation; for though he had defined the tariff to be a tax on foreign industry, it was, to all intents and purposes, a tax on domestic consumption. There was something new in the Speaker's doctrine. He had often heard of the distress and ruin produced by taxation, but had never known them to be occasioned by the absence of it. But there were much more familiar phenomena than that of distress, (if, indeed, any thing could be more familiar,) on the causes of which very knowing persons differed. As he was ascending the marble staircase of the Senate the other day, he heard a member ask a messenger what was the cause of the water with which the steps were covered? The messenger replied, that "the stones were *a sweating*." A chemist (and he believed the member was a very able one) would probably have ascribed it to the condensation of the moisture in the atmosphere. The Speaker and himself agreed as to the existence of distress; it unfortunately did not admit of dispute; but he, Mr. G., adopted the vulgar theory, and ascribed it to taxation—to "a sweating"—of the agriculturists; while the Speaker, by a refined chemico-politico-economical theory, endeavored to prove that it was caused by the want of taxation—by the want of "sweating," and therefore recommended a new tax—new diaphoretics—a new distillation of agricultural wealth through the alembic of manufactures.

There is, said Mr. G., no political economist in England who ascribes her wealth to this system; there is no political economist any where, of any reputation; none whose writings will be read five years hence, who now supports the restrictive policy. However they may differ on some of the more abstruse questions, as respects the ruinous tendency of this policy they are unanimous. It is in vain to endeavor to discredit their opinions by charging them with being theoretical. Many of the most distinguished have been practical men, engaged in the active business of life—have proved their theories to be supported by principles, and found them to be consistent with practice.

But do gentlemen contend that the theories of those who have written on a science which is susceptible of more certainty than any other branch of political philosophy, are to be renounced, while those of other political writers are to be approved and received? No! We must renounce them all together. We must contend that human reason has accomplished nothing; that, after ages of painful labor and investigation, nothing has been proved; that every thing is yet uncertain—we must, in short, become universal sceptics. As firm, however, as *his* confidence was, in the conclusions of the political economists, Mr. G. said, if one single example could be adduced of the adequacy of this system to accomplish the promised ends, either at home or abroad, he might be induced at least to hesitate, and re-examine the foundations of his opinion. Gentlemen had, indeed, appealed frequently to an example—that of coarse cottons—and they had spoken of it with so triumphant an air that one would suppose it was undeniable and conclusive. But was this really an example? Did it show what was contended for—that the advance made by the consumers, in order to bring manufactures to maturity, were subsequently repaid to them by their getting the domestic article cheaper than the foreign? This brought on the question of *direct* indemnity. If this indemnity did not exist in the case of cottons, it certainly did in no other. In order to determine whether it exists or not, let us suppose a case. A man is accustomed to lay out one hundred dollars a year, for a certain quantity of foreign goods. In order, however, to enable one of his own countrymen to manufacture them, he agrees to make him an advance of fifty per cent. per annum, for a period of eight years, at the end of which his countryman promises to undersell the foreigner, and reimburse him. Now, what has he done? Instead of having paid $800 for his goods, as he would have done, had he continued to buy of the foreigner, it is evident that he has paid $1,200; that is, $400 more than he would have paid. The question, then, is, at what price must his own countryman let him have his goods, in order to reimburse him within the same period of eight years? If he lets him have them at the same price with the foreigner; that is, at $100, why he loses his principal of $400, and the interest. Suppose he sells them at a discount of $24, or for $75. Twenty-four dollars being the exact amount of his interest, would never reimburse the principal. Would a discount at $25 do? Why the addition of one dollar to the interest, would (leaving out of view the compound interest) gradually sink the principal; but it would be in a period of somewhere between three and four hundred years? At what price, then, must the consumer be able to purchase these goods, in order to reimburse him within eight years? He must buy them (he had not made the calculation in decimals) somewhere between 50 and 60 per cent. cheaper than he bought them of the foreigner; or, in other words, for something between forty and fifty dollars; and, if the foreign goods had fallen in proportion, he must get them between fifty and sixty per cent. cheaper than these; that is, they must be given to him for nothing, and he must receive something to boot.

These are elementary calculations; but when elementary truths are denied, it becomes necessary to state them clearly. Let us apply them to the case of cottons. For thirty years and more, we have been paying a duty on coarse cottons. A part of the time this duty was from 83 to 100 per cent. Now, if thirty years are reduced to eight, and eighty per cent. to fifty, no one will pretend that the average is too high. At what price, then, must a man who, for eight years, has given $150 for a certain quantity of cotton goods, which he might have bought for $100, be able to buy them, to reimburse him within the same period? He must be able to buy them for something less than fifty dollars; and if foreign cottons have fallen, as they notoriously have, he must be able to buy the domestic cottons between 40 and 50 per cent. lower than them. But the gentleman from Pennsylvania (Mr. Tod) has admitted that the domestic cottons are not more than fifty per cent. cheaper than the foreign were at the time the last duty was laid. If, then, the foreign cottons have fallen fifty per cent., he must be able to get the domestic for nothing, and must have something paid him besides. The question, therefore, in every case, is, not whether the domestic can undersell the foreign manufacturer, but whether he can undersell him at an *indemnifying* price—at a price sufficient to repay the consumer for the advances he has made, in order to bring the domestic manufacture to maturity? If the domestic manufacturers can sell their cottons so much cheaper than the foreign as to amount to an indemnity, it is evident that they can withstand, not only the repeal of the existing duty, but a bounty on the foreign cottons to the amount by which they pretend they can undersell them: but, so far from this, here they are, resisting the repeal of the minimum, which would still leave them a protection of 75 per cent., admitting they can undersell foreigners fifty per cent. How can gentlemen reconcile this contradiction? It appears to me, sir, that the consumer can, in no case, ever be indemnified. When we equal foreigners, in every circumstance which is required to enable us to manufacture, it is almost a self-evident proposition to say we can only undersell them by the amount of the cost of transportation; for what man can accomplish by his physical powers in one country, he can do in another. What is the cost of the transportation of a pound of raw cotton from Charleston to Manchester, and back again to the former place, in the shape of cotton muslin? The gentleman from Massachusetts, (Mr. Webster,) who had just sat down, has told us that the freight of a pound of cotton to Liverpool was one cent. Five cents, then, would cover the whole charge of transportation and retransportation between Charleston and Manchester; yet the duty paid in Charleston on this pound of cotton, when returned, would be from 18¾ to 25 cents, accordingly as it was manufactured into three or four yards of cotton muslin, at the minimum valuation of 25 cents per yard

On every article in the tariff, the duty greatly exceeds the cost of transportation, and in most of them by such an amount that the diminution of price by this cost, could never reimburse the consumer for the payment of the duty; and yet gentlemen promise us not indemnity only, but bounty; not reimbursement, but reward. In every case the reimbursement depends on the relation of the price of the domestic manufacture, diminished by the amount of the cost of transportation, to the annual advances made to bring it to maturity, and the successive annual accumulation of interest on those advances. If the price can only be diminished by an amount equivalent to the interest on the advances, they can never be repaid; and it depends on the ratio by which the diminution of price exceeds the interest, whether the benefit is to accrue to the present, or only to a future generation. We can never surpass foreigners in the facilities of manufacturing. In many respects, as in the accumulation of capital, cheapness of labor, &c. it will be long before we can equal them. In the latter, it is to be hoped we never shall equal them. If we do, we must equal them in human wretchedness and degradation.

But we are promised an indirect indemnity in the additional price we are to get for our products by the creation of a home market. This promise is equally illusory with the others. I will propose this question: if the advances made to the manufacturers are the least they can do with—if they are the *sine qua non* of their continuance—the *minimum possibile* of their existence, as they pretend, how is it possible that they can give back any part of it in the shape of price for produce? It is self-evident that they cannot; but, as self-evident propositions appear to be at a discount in this House, I shall not rest satisfied with this. Price is determined by the relations of supply and demand. If we cease to import, we must cease to export to the same extent the raw materials that purchased the imports. They will then fall on our hands, increase the supply in relation to the demand, and thus diminish the price. But we are told that those who are producers will become manufacturers? If so, how many of them will become manufacturers? Will there be as many as are required to supply us from abroad? There will not; because, the cost of consumption being increased, we cannot consume so many of their commodities; and there cannot be so many persons required to supply our consumption—even allowing for the want of skill, which, although it cannot last long, is itself a source of loss while it continues. In order to increase the demand in proportion to the supply, and raise prices, a greater number of those engaged in other employments must become manufacturers than are required to supply us from abroad; but this cannot be, for all who are not employed in making the surplus that goes abroad are employed in making what is consumed at home; and they will be still required for this purpose, unless men, in consequence of becoming manufacturers, can do with half rations, or at least greatly diminish their wants. The foreign demand cannot continue. The foreign capital disengaged by our refusal to receive its products will either be wasted; will seek, with the labor it employs, some other occupation; will itself produce what it obtained from us; or, continuing its former employment, will purchase what it wants from other countries. The same causes which make it the interest of the American agriculturists to dispose of their property will depress its price; and the quantity of land thrown into market will diminish the total value of our agricultural capital.

Gentlemen express astonishment at the incredulity of the agriculturists as to the advantages of their system; but perhaps a sufficient reason may be found in the excessive liberality of their own promises, which are at once extravagant and contradictory. We are promised a full indemnity for all our sacrifices in the cheapness of what we have to buy, and more than an indemnity in the dearness of what we have to sell. The system is to raise the price of agricultural produce, and depress the price of manufactures. Can any credulity swallow so gross an absurdity?

But we have not only been fed with the promises of reward, we have been threatened with the terrors of punishment. Our fears and our patriotism have been appealed to on the subject of the balance of trade and the support of foreigners.

Mr. G. said he would not attempt to expose the specious calculations by which a balance was frequently made to appear that did not exist. But suppose it did exist. If we do not pay for what we buy, it is clear gain. It is discreditable, but it is certainly gain. If we do pay, where is the harm? The harm is said to be that we have to pay in specie. Is not this specie purchased with the products of our industry? This is not the case of a spendthrift heir, to which the Speaker likened it. What we send abroad is our surplus—what foreigners send to us is their surplus. Surely it cannot be matter of regret if the latter is of more value than the former. It is not necessarily destroyed in the consumption. A portion of it consists of the implements of industry and the arts—it is capital, stimulating labor, and engaged in reproduction. A nation cannot long continue in debt, and even while it does, the evil is not so great as seems to be imagined. Foreigners, instead of coming into our courts of law, and after expensive and tedious law suits, acquiring real property which they can only manage at a great loss, will bid up for our produce; and, in fact, that is always the effect of a balance being against us. One would suppose, however, if we cannot rely on the prudence of our citizens to keep out of debt to foreigners, we have sufficient security in the interest of the latter, who will not trust them if they do not pay. If they do pay, the objection does not hold. But, after all, the great objection to this notion of the necessity of legislative interference to prevent an unfavorable balance of trade is, that it oppugns the very principle of our Government. It supposes that men have not prudence to manage their own affairs in their own way, and that Legislatures should be their "nursing fathers and mothers." If they do not understand their pecuniary concerns, the subject on which, of all others, men are almost clear-sighted and sagacious, how can they be supposed to be judges of their great moral and political interests? Yet our Government is bottomed on the principle that man is capable of self-government.

While this idea of the balance of trade oppugns the principle of our Government, the notion that we are guilty of supporting foreigners strikes at the principle of all society. It is as untrue and absurd as it is anti-social, odious, and detestable. Gentlemen seem to suppose that every thing we pay to foreigners is lost, and every thing we pay to ourselves is gained. They throw entirely out of view the equivalents we receive from foreigners; yet, when they descant on the balance of trade, they tell us that we get more than an equivalent; for we fall in debt. Is it possible that gentlemen can really believe that, as a question of loss and gain, our buying of foreigners instead of our own citizens, depends on any other circumstance than buying cheaper or dearer? Let us exemplify this by supposing a case. Four individuals who live on this side of the Tiber, devote a portion of their labor annually to the production of four barrels of corn each, equal to sixteen. They exchange four barrels for four hats. When the exchange is effected, the wealth derived from this portion of their labor consists of twelve barrels of corn and four hats. But one of them, who is a great patriot, and friend to "domestic industry," says to the others: "If, instead of buying your hats of this "stranger," this "foreigner," who lives three yards over the Tiber, you will each give me half a barrel of corn more for your hats than you gave him, I will make them." They consent. Well, what is the state of the case now? Three of them, as before, make twelve barrels of corn, and the fourth makes four hats. Their wealth, at the end of the year, is precisely the same as in the former case; with this difference, that the corn-makers are poorer by one and a half barrels of corn, and the hat-maker is richer by the same quantity. Now, what odds does it make whether the communities are separated by Goose Creek or the great Atlantic? Observe, however, that this statement is much more favorable to the manufacturers than the real case. The hat-maker could not, with that portion of his labor with which he made the four barrels of corn, make the four hats, or there would be no pretext for his demanding an additional price for them. The consequence would be, that there would be a loss to society equivalent to the difference in the productive value of his new and old employment, and the corn-makers would have to get some of their hats elsewhere, to put up with worse ones, or he would have to encroach on another portion of his labor in order to make them, which would be itself a source of loss. This anti-social doctrine teaches that a nation can never attain the highest degree of prosperity until it shuts itself out from all intercourse with the rest of the world; but, it is to mistake the nature of man, and the spirit of the times, to imagine that the great laws of nature can be controlled by the puny efforts of empyrical statesmen. Nations have experienced the advantages to be derived from a liberal intercourse. They are sensible that it is to this source that they are indebted for their prosperity and happiness; and that to this source they are to look for those improvements which will render all the treasures of the world, physical and moral—the wealth, freedom, knowledge, which are the accumulated results of the labor and experience of mankind, the common property of the human race. The assertion that we support foreigners, in the sense in which it is made, is unfounded. If we support them, in the same way, they support us. If we stimulate their industry, they stimulate ours. What appears to be meant, is this; that while we buy of them every thing they make, they only buy of us a portion of what we make. Now, would it be good policy in a nation, more than in an individual, to quarrel with a neighbor who receives three-fourths of what it produces, because he will not agree to take the other fourth; unless he could thereby be induced to change his system and take the whole? Even then, it would be a question of the extent of the sacrifice made to obtain this good. But it would be uncandid and disingenuous in the advocates of the manufacturing policy, to say, that their object is to coerce foreigners into a system of free trade. They would regret such a consequence of our policy; and if every nation in the world would proclaim perfect freedom in trade, it would only make them more clamorous for restriction.

Mr. Chairman: If I have been successful in proving that there is no pecuniary indemnity for the loss the consumers sustain, by making advances to enable certain employments to be carried on, which, without such advances, would be unproductive, it is clear (without resorting to the collateral losses which have been mentioned) that the whole amount of national wealth will be diminished. It remains to consider whether there be any other compensation for this diminution of wealth; and whether the distribution of it is just, and within the legitimate powers of Congress.

We are promised a compensation by being made independent of foreign Powers. But how can we promote our independence by becoming poor? This idea of independence does not refer to a state of peace, but a state of war. It would be absurd to say that in peace we are more dependent on foreign nations than they are on us. The fact is the reverse. A nation that produces the raw material is more independent than one that fabricates it. It will be otherwise if we push the manufacturing policy, and become exporters of manufactures. It refers to a state of war, and supposes that during war we have to pay so dear for many things we require, that we are justified in going to a considerable expense in time of peace, to learn how to make them. But this applies to war with only one nation—England. In a war with any other nation, there would be no serious impediment to our obtaining what we wanted. But suppose we have a war with England one year in ten, or even one in five; would it be good policy to pay fifty per cent. on a given quantity of goods, for four years, in order to avoid paying one hundred per cent. for one year. It may be good policy, but it is certainly very bad arithmetic. A truer statement of the question would be, to ask whether it would be good policy to give fifty per cent. for twenty years, to avoid paying one hundred per cent. for one year. For, if we pursue that pacific policy which becomes us—which is necessary to perfect our own institutions, and to give efficacy to our example abroad; and should not undertake to go "*a colonelling*" in favor of universal liberty—we have no reason to expect to be at war with any Power in twenty years—least of all with England. The principles of the Holy Alliance are not less hostile to her constitution than to ours; and if they really entertain the designs against us which are imputed to them, it is not only our interest to cultivate the relations of amity with each other, but to strengthen the ties of connexion. For, if their own fears should ever permit that association to attempt to perpetrate their designs, I believe, next to our own valor, our best security is the attachment of the people of England to the principles of free government. Yet the policy recommended is, to weaken the ties subsisting between the two countries, and to destroy our mutual interest in each other's prosperity.

But the point of view in which this policy is most seriously calculated to affect our independence is, by its gross injustice—by its tendency to produce discord and division among the several classes of society, and the different States. Can it be supposed that Congress can be permitted to enrich one class at the expense of the others, and to aggrandize some States by prostrating the rest, without producing these divisions? And is there not more strength in union, in brotherly love, and affection, than in all the wealth of the world without them? What, sir, has been the effect of this policy, whenever and wherever it has been tried? What has been its effect in England? Why, to raise one part of society to the highest pitch of luxury, and to depress the other to the most abject poverty. Even the Quarterly Review—a work devoted to the Ministry, and which makes every sacrifice to conceal their sins—admits that one person in eleven receives parish relief. Some writers say one in seven—some one in five. Such is the effect of the system so eulogized by the Speaker. Say, if you please, that the cause of pauperism is taxation. What was the cause of taxation? Wars. What was the cause of wars? The spirit of monopoly; the desire to engross all the goods of the earth, and to leave nothing to others; the restrictive policy, instead of a liberal and enlightened system, the adoption of which by the nations of the earth would do more to bring about that universal peace which has been considered as visionary, than all the peace societies, holy alliances, and other chimerical contrivances, that ever were invented. Since education has so equalized men, wars will not often be the result of individual ambition. They will more frequently arise from avarice than ambition; from the spirit of monopoly; from that dark, unsocial policy, which is now held up by American statesmen for the admiration and adoption of the American people.

I had wished, said Mr. G., to state some Constitutional objections to the power of Congress; but my want of strength renders it impossible to go into this view. Indeed, so little respect is paid to Constitutional objections, even when urged with an ability which I do not possess, that there is no encouragement to present them. The injustice of the system, however, every body will be awake to.

Sir, when Government undertakes to endow certain individuals or classes with exclusive privileges, all the rest of society becomes their enemies. A consciousness of this produces the necessity of combining for self-protection. The monopolists must secure their ill-gotten gains by strengthening the hands of the Government that bestowed them—by increasing its revenue, patronage, powers. The Government, on the other hand, must reward the monopolists by an increase of privileges. Thus a reciprocity is begotten between them utterly incompatible with the rights and the happiness of the rest of the community. It is by this illicit connexion between the privileged classes and the Federal Government that the State sovereignties will be destroyed—that their wise policy, intended to counteract the natural tendency of society to aristocracy will be subverted, and an aristocracy, the worst of all kinds, a moneyed aristocracy, will be established on their ruins. It is no wonder that the friends of a consolidated national government have been invariably the advocates of this partial, arbitrary policy. Some of the loudest declaimers against stars and garters, the mere badges of aristocracy, are the most clamorous partisans of this policy. They have much dread of the *sign*, but have no terror for the *thing signified.* They are alarmed at the badges, but are willing to submit to what is essential in aristocracy—the supremacy of the few. For my part, sir, I would rather see an order of nobility established in this country, provided it be without wealth or primogeniture, than to see one hundred per cent. added to the present tariff. I believe it would do more to bring on us all the evils of aristocracy than a merely titular nobility. A compulsory transfer of property from one class to another is the acme of all the mischief that a Government can perpetrate. The conflicting interests of different portions of society, whether geographical or artificial, whether the result of locality or legislation, have always been difficult for Governments to manage. Under their patronage, they become the most deadly foes of liberty. No Governments have hitherto been sufficient to restrain their ambition and avarice—not even the military Governments of Europe, with the aid of their standing armies. We thought we had discovered, by our division of powers, a system adequate to this purpose; we thought our State governments would be a sufficient check; and I believe, if they had not suffered their powers to be usurped, they would have proved so. They might have even made local interests the instruments of self-preservation. But they permitted the General Government to begin its course by assuming local powers; by fostering the separate interests that existed, and creating others, and by endowing them with privileges. It thus gave them an artificial strength, which the State governments are too weak to control. The privileged classes, with their usual sagacity, early perceived that the State governments presented the principle obstacle to the gratification of their ambition and avarice. Hence, the prevalence of that construction of the Constitution which would deprive them of nearly all their powers—a construction which has grown with the growth, and strengthened with the strength of these classes. Does any one think that this *fashionable* construction arises from the mere wantonness of speculation? No, sir; it has a practical end—political power, for the gratification of individual avarice. I do not pretend to say that all those who unite in this construction unite in the design. Many creeds and many systems have obtained disinterested supporters who do not participate in the views with which they were created. But I look not to individuals; I look to causes; and I do not hesitate to express my opinion, that the true cause, the *final* cause of this *ultra liberal* construction is, the ambition of the privileged classes contending for power to gratify avarice. And, with the powers they claim, what may they not accomplish towards the attainment of their objects? Under the power of taxing sales at auction they claim a right over persons. Under that of internal improvement they assert a right over property. With this right over persons and property, and the right of the Federal Judiciary to control State laws and judgments, they may soon remove every impediment placed in their way by the State governments.

Sir, we must look very little to consequences if we do not perceive in the spirit of this construction, combined with the political fanaticism of the period, reason to anticipate, at no distant day, the usurpation, on the part of Congress, of the right to legislate on a subject which, if you once touch, will inevitably throw this country into revolution—I mean that of slavery. And, while the policy of the Government tends directly to produce resistance, it is admirably contrived to render it ineffectual, by exhausting the means, and the strength, of those from whom it is apprehended. In this, as in other points of view, I can never cease to wonder that the prevailing system should have found supporters in some of our Western States. All that Tennessee and Kentucky can gain by internal improvement is nothing in comparison with the interest they have in preserving inviolate the Federal Constitution, under which so many of their dearest rights are secured. As to this manufacturing, anti-commercial, anti-social policy, which makes them, as well as their best customers, the Southern States, poor; which places them in the same and a worse relation to other States than they deprecate as concerns England, that of being obliged to buy, without having any thing to give in exchange; it is exactly the reverse of what they really want. What they really want is a system which will enable them to purchase foreign goods at the same price with the people of the Atlantic States. Instead of this, they come to you, (some of them at least,) tell you that foreign goods are too cheap for them, and ask you to make them dearer—to make them pay more.

The Western States cannot manufacture. The want of capital, (of which they, as well as the Southern States, have been drained by the policy of the Government,) and other causes, render it impossible. The Southern States are destined to suffer more by this policy than any other—the Western next; but it will not benefit the aggregate population of any State. It is for the benefit of capitalists only. If persisted in, it will drive the South to ruin or resistance. It is painful to be forced to say so, but it is necessary. Our burdens are already greater than we can bear—endurance can go no further. The policy of the General Government, from the commencement, has been as respects us, one of unabating exaction. We have as yet, I verily believe, derived no advantages whatever from the Constitution—not even that of exemption from foreign wars; for our wars have been for Northern, not for Southern interests. The consequence of this oppressive policy has been a degree of distress altogether inconceivable—distress of which there is no example in a new and free country. This condition is not to be regretted solely on account of the individual suffering; but it throws society back—checks its improvement for generations—perhaps ages. If you transfer the wealth of a country by law, you transfer with it the means of education. Its new possessors, before they have time to obtain education, get possession of the Government, and they are interested in so administering it as to perpetuate that state of things to which they owe their elevation. The struggle between the plunderers and the plundered, corrupts the morals of the community, and begets contentions which poison the fountains of social life, and shake the foundations of social order. Society verges to the state which the Abbé Maury said characterized the French Revolution—a state in which every man who has nothing, says to every man who has something, *ote toi, que je m'y mette*—"take yourself away, that I may get into your place." These are the consequences which may be anticipated, if this system is persisted in.

Sir, can we be mistaken as to the ruinous tendency of this policy? Can whole nations be mistaken? When I speak of nations, I mean Virginia, the Carolinas, and other great Southern commonwealths. I admit that nations have, occasionally, been mistaken; but our republic is founded on the supposition that, in the long run, the people see rightly—that they are capable of self-government. If this maxim be true, and if, for a series of years—for more than a generation—in peace and in war—in prosperity and adversity—in every vicissitude we have undergone—we have entertained but one clear, determined, unalterable opinion of the destructive effect of this policy, is it possible to believe we are mistaken? If you say so, then you renounce the principles of your Government. If you say we are not mistaken, but that you will use your numerical superiority to impose this odious system on us against our will, then you are willing to incur the guilt and reproach of tyranny. You must either renounce the principles of your Government, or must abuse its powers. The alternatives are before you. But when I look on those by whom I am surrounded, and consider that the very circumstance of their being here is a proof of their attachment to the principles of their Government, I will never believe that they will renounce them. When I regard them as fellow men, with all the kindly affections and generous spirit of humanity, I cannot believe that they will ever be tyrants. When I look upon them in the more endearing character of countrymen, and the more sacred one of patriots; when I remember that our fathers purchased our common freedom with their common blood, I will not, cannot, must not believe, that the sons are going to turn against each other, and the stronger to raise their fratricidal hands to destroy their weaker brothers.

When Mr. Garnett had concluded—

Mr. Williams, of North Carolina, commenced a speech on the same side of the question; but, at three o'clock gave way for a motion that the Committee rise. The Committee rose accordingly, and the House adjourned.

Saturday, April 3.

Ordered, That the Message from the President of the United States, of the 20th ultimo, communicating information in relation to measures adopted in concert with foreign Governments for the suppression of the African slave trade, be referred to the committee raised upon so much of the President's Message at the commencement of the session, as relates to that trade.

The House resumed the consideration of the bill from the Senate, entitled "An act altering the times of holding the courts in the District of Columbia:" Whereupon, Mr. Little withdrew his motion to lay the said bill on the table, which was depending yesterday, and moved that it be referred to the Committee on the District of Columbia, which was agreed to.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824," were read, and referred to the Committee of Ways and Means.

The bill from the Senate, "confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes," was read a third time.

Mr. Forsyth inquired into the circumstances which led to the necessity of this act, which were stated in reply by Mr. Webster. Mr. Taylor, of New York, called for the reading of the President's Message on the subject.

Mr. Cocke moved to recommit the bill to the Committee on the Judiciary, to have certain amendments made therein. The motion did not prevail, and the bill was then passed, and sent to the Senate.

An engrossed bill, entitled "An act authorizing the executors of John B. Mebane to collect certain arrears of internal taxes," was read a third time, and passed.

The bill from the Senate, entitled "An act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts," was read twice, and referred to the Committee on Public Lands.

THE TARIFF BILL.

The House then again resolved into a Committee of the Whole on the state of the Union, Mr. Condict in the Chair, on the bill "to amend the several acts laying duties on imports."

Mr. Williams, of North Carolina, resumed and concluded his speech on the general principles of the bill, and in opposition to its passage. His speech follows in extenso:

Mr. Williams said he was admonished, by every circumstance, to use brevity in the observations he was about to submit to the Committee. The late hour of the evening, the exhaustion of the House, and, above all, the length of discussion which had preceded him, could not fail to impress him with the necessity of drawing his remarks to a close as soon as possible. Indeed, said he, the discussion which has already taken place would seem to forbid the belief that any thing more should be offered. Hitherto, I have been content to remain only a listener to the remarks and observations of gentlemen, who, from time to time, have engaged in the debate; not that I have been insensible of the deep importance of this question, or of the vital interests involved in its issue; on the contrary, my concern has increased in ratio with the zeal and perseverance manifested in pressing this subject upon our attention. Year after year this measure has been defeated, and year after year it has been renewed with additional spirit, and still greater determination on the part of its advocates. From these facts, thus annually disclosed, one might be led to think that some choice boon, some great and invaluable blessing, was to be attained. But, on the other hand, we who resist the measure view it as an evil fraught with consequences the most dangerous, tending to results the most pernicious and calculated to blast the fair prospects of this happy country. It is not my purpose to attempt to reconcile this conflict of opinion, but it seems to me that so great a diversity could not exist unless it proceeded from more causes than are generally found to operate upon our regular and unbiassed conclusions. The quick and lively attractives of interests, it must be admitted, have some influence upon our deliberations, because the geographical boundary which separates our minds upon this question proves that we are guided more or less by what we conceive to be the wishes and desires of those whom we represent. In regard to myself, I admit this to be the fact, and I trust gentlemen will not say I want liberality when I impute to them no worse motive than I myself avow. Yes, sir, it is in consequence of the effect which I believe this measure will have upon the interest of those whom I represent, it is in consequence of the effect which I believe it will have upon the interest of the country in general, that I am induced, on this occasion, to contribute my mite against its adoption.

There were, said Mr. W., some prominent arguments presented in support of the bill, which it was his intention to examine, but it would, perhaps, be more proper to notice in the first place the peculiar manner employed by gentlemen to aid them in the discussion. The honorable Speaker (Mr. CLAY) had thought fit to call the friends of the bill "the advocates of an American policy," and at the same time characterized us who oppose it, as the friends "of a foreign policy." Sir, these designations must be reversed, because there is neither justice nor propriety in such an application of them as has been made by the Speaker. What policy does he advocate? Not the past or present policy of the United States. How, then, can he be the advocate of an American policy? He wishes to depart from the policy pursued ever since the establishment of our Government, and to adopt that pursued by Great Britain. But those opposed to the bill, wish to maintain the policy the United States have always pursued since their independence as a nation. Then, in truth, and in fact, we are the advocates of an American policy, while the Speaker and his friends are the advocates of a British policy. We reprobate the policy of England; we wish to avoid it, to rescue our country from the danger of falling into it. The Speaker, on the other hand, admires that policy; eulogizes it in the highest terms, and is desirous the United States should adopt it. If it be true, therefore, that Great Britain is a foreign country, the Speaker is the advocate "of a foreign policy," and we who oppose the bill must be considered the friends of an "American policy."

He would notice, he said, in the next place, the very great address with which this subject had, from other quarters, been pressed upon the attention of the American people. The campaign was regularly opened some six or seven years ago, and has been systematically pursued up to the present time. Publications have appeared, in every possible shape; addresses have been made to gain proselytes to what has been termed the great cause of "national industry." Yes, sir; this phrase, *national industry*, has had, and no doubt was intended to have, a most magical influence upon the opinions of our fellow-citizens. The evils of idleness have been portrayed in glowing colors; the miseries of want and wretchedness have been displayed with a kind of fervid eloquence, and we have been required, by every consideration, to aid in promoting the great cause of national industry. From what has been said one might be led to think that our people had abandoned all the pursuits and occupations of labor, and that we were converted into a nation of idle, dissolute vagrants. But, although some such instances may be found, yet, we have reason to believe that general distress does not exist to the extent which has been imagined. The gentleman from Massachusetts (Mr. WEBSTER) has told us that nothing of the kind has come within his observation. So far as I am enabled to judge, I believe it may be said that the Southern country is generally free from such scenes of suffering and distress as have been depicted. This outcry, therefore, or the greater part of it, has proceeded from one class only, (the manufacturers,) who, being themselves in what they were pleased to consider an unprofitable business, have affected to think that the whole nation was in the road to ruin. What, sir! are the manufacturers the only class in the community? If they should cease to operate entirely, does it follow that all labor would likewise cease? Not at all. The manufacturing labor is very small compared to the aggregate labor of the other pursuits; and, although the former should wholly cease, our condition would not be so wretched as it has been described.

Mr. W. said, he admitted what the Speaker had said, that *labor* was essentially necessary; that, without it, neither individuals nor nations can be prosperous. It is, indeed, a law of man's nature, for it is written "that, in the sweat of his brow shall he eat bread." If we look abroad, we see that the same law applies to all animated nature; that the fowls mount into the air; that the beasts, graze in the fields or range through the forests, all in quest of food. Labor, then, is the universal law of our nature, to which every one is bound to submit. If he violates this law, or neglects the duty it enjoins, evil must ensue, as the necessary, the inevitable consequence. But does it likewise follow, that manufactures are the great object in which the nation should engage, or that we cease to be a laborious, as soon as we cease to be a manufacturing people? No, it does not. Though manufacturing should stop altogether, agriculture, and the other pursuits which constitute the greater object, would still flourish and prosper. We were told, by the gentleman from New York, (Mr. WOOD,) that the agricultural labor was equal to eighty-three per cent., while the manufacturing was only three and a half. Now, until gentlemen show that the greater should subserve the less interest, I shall contend that we are not bound to notice the cries of a small class in the community, especially when that class are not so profitably employed as they would be if directed to other pursuits. Away, then, with the plea, that it is necessary to encourage national industry by protecting manufactures. It is a delusion to employ such terms, because the industry of the nation would flourish without the protection which is sought for manufactures. Indeed, the manufacturing labor of the country scarcely deserves to be considered in forming an estimate of the whole industry of the nation. It might as well be supposed that a single town or country was equal to all the rest of the United States, as to say that *national industry* consisted in the labor applied to manufactures.

He would now proceed, Mr. W. said, to examine those prominent arguments in favor of the bill to which he had before alluded. It had been contended by the gentleman from Pennsylvania, (Mr. Tod,) the chairman of the committee who reported the bill, that it was necessary to adopt the measure to make us independent of foreign Powers. This had likewise been much insisted on by the Speaker, and the various other gentlemen who have participated in the discussion. But, of all the arguments presented in favor of the bill, it is perhaps the most imposing, while at the same time it is the most fallacious. In my judgment, it is a complete inversion of the fact, to say that we are dependent on England when we furnish the raw material, and she supplies the manufactured commodity. I would rather think that England is dependent upon us, and we independent of her, in such a state of commercial intercourse. To illustrate this idea, I would ask who of all men is the most independent? The answer is easy and obvious: The man who has a sufficient supply of food is the only one who can be called *absolutely* independent, because all others who have not this supply, must be dependent upon him who can furnish it. Breadstuffs are indispensably necessary; and, in proportion as men regard the preservation of their lives as the most important of all objects, in the same proportion will they be dependent or independent, according to the supply they may have of the necessary means of subsistence. Now, it may be asserted, as a truth undeniable and irresistible, that what makes *one man* independent, will also make *any number of men* independent. In other words, if one individual, having a bountiful supply of the articles of subsistence is more independent than the one who has not such supply, it follows that *the nation* which has a supply of those articles, is more independent than the nation which has it not.

The United States, for example, grow breadstuffs, while England manufactures clothing. Now, in an absolute sense, which is the most independent? we, with all the articles of subsistence, or Great Britain, with all the articles of clothing? Certainly no one can doubt but that the United States would be the most independent, and the same course of reasoning applies to the nation which furnishes the raw material, as contradistinguished from the one which supplies the manufacture. Suppose, again, for the sake of illustration, that *one nation* grows all the wool, while *another* manufactures all the cloth, which, in the same absolute sense, is the most independent? I answer, that the one growing the wool is most independent, because the other, which happens to possess the cloth, must cease to manufacture if the raw material should be withheld, which may be done at any time by the nation growing the wool. Then, if the United States furnish the raw material, and England manufactures it, the former, I say, are more independent than the latter, because we can withhold the article at any time when we please, while Great Britain, for the want of it, must cease to manufacture. If she ceases to manufacture, she must of course cease to sell; and if she ceases to sell, she will consequently be deprived of those articles of subsistence with which she is supplied by the sale of her commodities.

The gentleman from Pennsylvania, alleges that England will not take our produce; but the allegation is no answer to this part of the argument: for, if England will not take our produce, it is evident our trade with her must cease, and then the exact state of non-intercourse which we expect to bring about by law, will be produced without law. England, sir, is not so foolish as to trade with us, if we do not make payment, and this we cannot do, if she will not receive our produce, as I shall endeavor to show more fully hereafter. So far, then, from our being dependent on England, she is, in fact, dependent on us, and the only way we can keep her in any degree dependent upon us, is, to furnish the raw material, and receive, in return, the manufactured commodity.

Let it not, said Mr. W., be understood that I am the advocate for that state of *absolute* independence of which I have spoken, or that I contend we can do without manufactured commodities, produced either by ourselves or some other country. I admit what the Speaker said, viz., that they are necessary; that we must have them; that the mere supply of our animal wants is not sufficient. Of the correctness of this position, I entertain no doubt; but when he and other gentlemen condemn the policy of our Government, and charge it with subjecting us to an improper degree of dependence on foreign Powers, it becomes a matter of importance to examine their arguments, to trace them into the elements on which they are founded, and see whether in truth and in fact they are applicable to the case, or are entitled to all that weight upon our minds which they are designed to have. If this be done, it will be seen that, although we are dependent upon England for her manufactures, yet she is equally dependent upon us for the raw material, if not more so; that we can do as well without her manufactures, as she can without our raw materials. The argument, then, that we are dependent upon England, should not, I think, have any very great weight on our minds; because, if the fact be admitted, it only proves that the dependence is reciprocal. But, if we wanted to make England completely independent of the United States, we could not take a more direct course to accomplish the object, than to drive her, by our restrictions, to other countries, for the supply of that raw produce with which her manufactures are kept up, and by which her labor is continued in operation.

Again: it had been said by the gentleman from Pennsylvania, that we ought to adopt this policy because other nations are pursuing it; that, although the English writers on political economy condemn the policy of their restrictive system, yet the practice of the Government is different; that we ought to regard and imitate the practice of the Government rather than follow the precepts and doctrines of her writers. In this, the gentleman from Pennsylvania had been joined by the Speaker, who had denounced the authority of all foreign writers on the subject of political economy. Mr. W. said that he objected to the whole of the reasoning of those gentlemen, because, by it, every enormity of the British Government could not only be justified, but held up as an example for our imitation. He would as soon look, continued Mr. W., to England for lessons in regard to the form of our Government, as to her practice for lessons teaching us the proper administration of it. When did the Government of England ever pursue a benevolent, humane, and consistent course? when did her practice ever conform to the doctrines of her sage and philanthropic writers? Never, he believed, except in the instances mentioned by the gentleman from Virginia, (Mr. BARBOUR,) and the gentleman from Massachusetts (Mr. WEBSTER.). Were the principles of Sidney less correct, less virtuous, or less republican, because the practice of the Government was different from those principles? or because that illustrious man fell a martyr to them? Was the eloquence of a Chatham less a vehicle of truth and sound policy because the Government did not pursue the course which he pointed out? Nay, more, was the enlistment of the savage—the employment of the tomahawk and scalping knife, during our Revolution, less odious and abominable because it was directly at variance with the views of some of her best and most enlightened men? In all these instances, and many more which might be mentioned, the practice of England had been different from the doctrines of her wisest and most patriotic writers; but are these doctrines, for that reason, less to be admired, applauded, and followed by the American people? Some writers in England contend for a Parliamentary reform, but yet the practice of the Government is against it. If, then, we ought to adopt the practice of the Government, rather than the doctrines of her writers, every institution in our own country must, upon that principle, be changed. Instead of a republic recognising the people as the only sovereign power, we must have a hereditary monarch—a House of Lords, and septennial Parliaments.

Gentlemen could not have been aware of the extent to which their arguments would lead, when they said that the practice of England should be considered as authority, rather than the writings of her statesmen. No, sir, said Mr. W., I would look to the practice of England for authority in nothing; but I would look to the writings of her statesmen for authority in many things. It was from the doctrines of her writers, and not the practice of her Government, that our Revolutionary forefathers derived many useful and important lessons, on the subject of freedom; it was from the holy zeal, the patriotic ardor, thus inspired, that they resolved to be independent. Yes, sir, our own Revolution, forming as it does a new era in the history of human affairs, and all the felicitous consequences flowing from it, are to be ascribed, in a considerable degree, to the doctrines of British writers; but in no degree whatever to the practice of the British Government. As, then, that authority has been respected, and attended to in the great work of forming the Government—in the establishment of our present political system—so, I say, it may be wise and useful to regard the same authority in administering the Government. Hence, when we advert to the authority of British writers, gentlemen should not think that we do so in consequence of any friendly feeling towards the Government of that country. I admit what gentlemen say, that the practice of the Government is opposed to the writings; but it is in consequence of this very opposition that I rely upon the writings. For it must be confessed that I would suspect, nay, instantly reject, the authority of any British writer who should undertake to prove that the practice of the English Government was correct and humane in any respect whatsoever, except in the instances before referred to.

Now, let me ask what is proposed to be done by this bill? The gentleman from Pennsylvania has already answered this question. He has told us that he wishes to regulate trade in a particular way; to make it more advantageous to the country than it has been for some time, or probably will be again unless a measure of the kind he offers should be adopted. But can you succeed in this object? I think not; for trade depends on a thousand contingencies, over which you can have no control. Can you regulate the vicissitudes of the seasons? Can you control the elements? Can you still the wind, or silence the roaring tempest? Can you command the sun to suspend his scorching beams, or call down moisture from the clouds, that the earth may bring forth its accustomed fruits? Unless you can do all this, your present effort will be vain; for trade may be compared to a fluid extremely subtle, impalpable to the touch, always eluding your grasp, and constantly bidding defiance to your regulations. It will go where it listeth, and every attempt to impede its progress only adds to the difficulty and embarrassment of the individuals or nations concerned in making the attempt. Hence, the wisdom of the rule, (though derived from British writers,) that trade will regulate itself; that it is most advantageous when least restricted. If there is any principle in political economy which contains the truth and force of an axiom, it is this.

But, the Speaker says the principle is incorrect, and we ought to adopt a different policy to make money more plenty, and relieve the distress of the country. But this object cannot be accomplished. For, how are we to bring money into the country without foreign commerce? We have not any gold or silver mines to produce a supply of the precious metals; and the specie first brought into the country by foreign trade would have remained with us but for the establishment of banks. Suppose, however, that foreign trade, as gentlemen allege, takes specie away from the country. I contend that it will, in due season, bring it back again, because, in this instance, foreign trade only takes out of the country what foreign trade had previously brought into it. Therefore, if gentlemen charge foreign trade with taking specie away from us, they must credit foreign trade with having brought specie into the country in the first instance; and thus the account will certainly be balanced.

Admitting the position assumed by the gentleman from Pennsylvania that the passage of this bill will prevent our money from going out of the country, I still contend that the objected proposed, viz., of making money more plenty, will not be answered. Every one must acknowledge that we have not, at this time, a sufficient supply of gold and silver, for the purposes of a circulating medium. If you pass this bill, in a great degree prohibiting foreign commerce, how are you to get specie back in sufficient quantity to supply us with a circulating medium? Instead of inviting it to return, you forever exclude and keep it out. If a man, said Mr. W., were to shut his doors upon his neighbor, to give him evidence of a welcome reception, the act would scarcely be more unreasonable or uncivil than the one here proposed. For, if you have not specie enough, you should endeavor to correct the evil by encouraging rather than prohibiting greater importations of it.

Should you choose, however, to pass the bill, in order to make sure of what money we have, to be certain of keeping it amongst us, can you succeed even in this? No, you cannot. Spain, we were told by the gentleman from Massachusetts, (Mr. WEBSTER,) has been more restricted in her commerce than any other nation in Europe; but have her arbitrary, tyrannical laws, prohibiting, under heavy penalties, the exportation of specie answered the objects designed by their enactment? Not in the least. The precious metals were of less value in Spain than in other nations of the world, and go they would, in spite of every regulation to the contrary. Money, like a fluid, will seek its own level; and if the gold and silver now in our country are tempted to go abroad in the channels of regular commercial intercourse, I say let them go. They will certainly come back when more needed in this than in a foreign country. The same cause which first brought them to us will induce them to revisit our shores, if required by the regular demands of trade. We need be under no apprehension to the contrary so long as we avoid the injudicious and impolitic restraints of a prohibitory system.

But the passage of the bill, said Mr. W., destroys foreign commerce, without which we never should have had so much as a guinea or a dollar. If, therefore, you destroy the means of supply, how are our future wants to be answered in regard to a circulating medium? In this condition, we shall be obliged to do, from necessity, what we have already done from a wish to speculate and a desire to possess inordinate wealth. We shall be compelled to establish banks and to depend altogether upon *paper money;* there is no other alternative. To this end we shall finally come, and I must be permitted to ask whether any gentleman would desire to see us in such a condition? I should hope not, because it is evident that our difficulties and embarrassments are ascribed, in a great degree, to an extravagant issue of paper money. This, and not foreign trade, has caused our afflictions. Instead of aggravating, foreign trade had alleviated the mischief. In the course of the debate, it had been proved, very clearly, that, wherever paper money existed, the same distress had prevailed, in a greater or lesser degree. In the United States, in Germany, and even in England, it had been the case.

From these views, it would seem, then, that the passage of the bill would afford no relief to the distresses of the country. The money, which is to circulate, as gentlemen tell us, in plenty and abundance, will not consist of gold and silver, but bank notes. At one time there was a sort of epidemic in favor of the paper system, and as many as forty new banks were established in a particular State, during one session of their Legislature. This measure was hailed as a panacea for their distresses; but did it turn out so in fact? No; instead of curing, it aggravated the evil in a tenfold degree. Having failed to obtain the desired relief from banks, we now seem anxious to try the manufacturing system, in the hope that, by adopting it, we shall remedy all complaints. But, if I am not greatly mistaken, it will prove no more efficacious than the banking system: on the contrary, it will tend to increase the evil; it will give us a paper money which, not being founded on a specie basis, will be liable to all the evils of depreciation, such as were experienced at the close of the Revolution, or at the termination of the late war: whereas, if you permit foreign trade to proceed as it has done; if you allow the precious metals to be imported; if you prohibit banks entirely, or require them to be founded upon a specie capital, so as to prevent an extravagant issue of paper money, then will the commerce of the country flow in regular and undisturbed channels; then will the laborer be rewarded for his toil with money of a certain, invariable value; then, and not till then, will our whole people be contented and happy.

This view of the subject, Mr. W. said, had been much strengthened by information he had received from a gentleman of this House, who in part represented one of the Western States. That gentleman had told him that the circulating medium of the State from which he comes, had been in a very unsound, disordered condition. The people, at the same time, were much embarrassed with debts to a great amount. Instead of seeking relief by creating more banks, they had depended upon industry; they had resorted to labor, which the Speaker had said was essentially necessary to insure national wealth and prosperity. When they became involved, pork, the great staple of that country, bore a price equal to ten dollars a hundred. It had afterwards fallen, and sustained a price of from three to five dollars, but yet the people had been able, at these reduced prices, to rescue themselves from their embarrassments. Here, then, was evidence, showing how much could be done by labor, and how little by banks. Had these people depended for relief upon further issues of paper money, no doubt their distresses would have been increased: whereas, by adopting a different course, they have completely extricated themselves, which will be the case in every instance where reliance is had upon the same means. Here he was met, Mr. W. said, by the declaration of the gentleman from Pennsylvania, that he did not intend to destroy foreign trade. It is due to that gentleman to say, that I believe him sincere in his statements, but I nevertheless think him mistaken in the opinions he formed as to the effects of this measure. For, how can he derive any possible benefit from it, unless it tends to destroy commerce or lessen the importation of foreign goods? The body politic, like the body natural, may at times be given to a little excess. The commercial appetite of the nation, so to speak, may occasionally perhaps take too much, but generally no more will be consumed than is conducive to the health and well-being of the system. You cannot, then, afford to the domestic manufacturer a market for his goods, unless you reduce the amount of the foreign supply. The whole project, indeed, proceeds upon this supposition. The duty on foreign goods is to be increased, to prevent their importation: their importation is to be prevented, to afford the domestic manufacturer an opportunity to sell his commodities; and yet gentlemen say, they do not intend to destroy foreign commerce. I admit that you may not intend its total destruction, but, if you destroy it partially, all the purposes of my argument will be answered.

The gentleman from Pennsylvania, however, had remarked, at the commencement of this debate, that the only effectual protection which manufactures had ever received, was during the late war, and every one knows that our foreign commerce was annihilated within that period. But suppose this not to be his object at present, and that no more than one fifth, or one tenth, or one twentieth, of our foreign trade, will be destroyed by the operation of this system, I contend that our situation will be made worse exactly in that proportion; that we shall be less able by one fifth, one tenth, or one twentieth, to remedy our distress. In whatever degree you injure foreign commerce, in the same degree do you augment our embarrassments, and make a resort to paper money more certain, which it has been previously shown was the remote, if not immediate, cause of all our difficulties.

In opposition to the inferences here drawn, it has been said that England has a metallic currency, although she is in the highest degree manufacturing. But the analogy will not hold. England exports her commodities, which, in the nature of things, we cannot do; we are unable to manufacture for the supply of our own wants, and it would be folly to attempt exportation under such circumstances. I know, said Mr. W., it was alleged by the gentleman from Pennsylvania, that our goods had already found a market in South America, and this proved that we might calculate on making exportations in future to any extent. But, contended Mr. W., this must be deemed an exception to the general rule, and one from which no reasonings can be deduced. In some few instances, wheat, and other articles of breadstuff, had been imported from Liverpool into the United States; but would any gentleman contend that this was according to the regular course of trade? Certainly not. Exceptions of this sort, indicating the capriciousness or volatility of trade may be found in the commerce of all countries. They are not reducible to rule, or to be explained by any general principles. We require a protection equal to an average of forty per cent. to enable us to compete with the foreign manufacturer even in our own markets, and certainly we cannot expect to compete with him in the South American market, where we shall be deprived of this protection. Until gentlemen prove that we can sell our manufactures abroad, at forty per cent. less than we can afford to take for them at home, I shall be justified in asserting that we cannot export them, and we cannot therefore expect to derive specie from importation, as England has done. The argument, then, which has been drawn from the metallic currency of England, will not avail gentlemen in reference to this particular point.

There are yet other points of view in which the gentleman from Pennsylvania has thought fit to present this question, and which, therefore, are entitled to serious notice. He has gravely urged that Great Britain constantly exhausts our wealth; that the labor of our people goes to her support, to swell her coffers, and pamper her pride; that we owe it to ourselves not to permit such a state of things to exist, but should divert the profits of this trade into our own pockets, rather than suffer them to be engrossed by Englishmen. This argument, Mr. W. said, was nearly allied to those he had heretofore attempted to answer, and, in his judgment, was equally incorrect. For, if it be true that we are not dependent upon England, when we furnish the raw material and she manufactures it, then I contend, in the same way, that, if we labor for her support, she, in return, labors for our support; that we can do as well without her manufactures as she can without our raw materials. In illustration of this idea, let me, said Mr. W., put a case—Would it not be extremely unwise in the people of the Eastern States, for example, to grow cotton, when they could buy it in Georgia for much less than it would cost them to raise it? With the labor of ten days, the Eastern man could purchase one hundred weight of cotton; whereas, to produce it himself would require the labor, perhaps, of twelve or fifteen days? The same rule would apply to the Georgian, if he should attempt to raise commodities peculiarly adapted to the climate, soil, and circumstances of New England.

Again: Would not Great Britain act with imprudence, nay, with folly, if she should attempt to raise all the cotton which she buys of the Southern States to be worked up in her manufacturing establishments? Would it not subtract greatly from the profit she makes by the sale of commodities, if she should depend on growing the raw material herself, rather than on purchasing it from other countries? No one can doubt as to the answer which should be given to these questions. Now, sir, it may be asserted, with truth, that the manufacturing skill and industry of Great Britain are as peculiarly adapted to the circumstances of that country as the production of any raw material is to our own. She can manufacture cheaper than we can, and it would be about as wise in us to manufacture for ourselves, as it would in England to raise cotton. Gentlemen, I know, have denied this, and contend that we can manufacture as cheap as England. But, to refute the assertion, I need only advert to the bill now before us. Why have we been employed for weeks in a discussion of the subject, if, indeed and in truth, we can manufacture as cheaply as the people of Great Britain? We have now a tariff which gives protection equal to forty per cent., and the manufacturers are calling aloud for more. Then, it may be taken for granted that England can manufacture more cheaply than the United States. Our own experience, also, will confirm the truth of the position, for, with the labor of ten days, I can buy a piece of cloth manufactured in England; whereas, the same sort of cloth, manufactured in the United States, would cost me twelve or thirteen days' labor, or a value equivalent to that. How, then, can it be said that we labor exclusively for the benefit of England? Does she not, in return, labor for our benefit? Is it not obvious that, by her skill and industry, we are enabled to buy such manufactured articles as we want cheaper, or with less labor than if we produced them ourselves? Certainly it is, and, if this be the kind of tax we pay to England, the more of it the better. The more cloth she will give me for ten days' labor, the more highly shall I be pleased; and, most assuredly, I should never be disposed to quarrel with her, because I obtained from her, at that price, articles which would otherwise cost me the value of twelve or fifteen days' labor. These are my reasons for not subscribing to the arguments of gentlemen who say that our people labor exclusively for the benefit of England. It is to our interest as much as that of England, that this intercourse should exist.

But it is alleged by the Speaker that England will not take our produce, and, therefore, we must manufacture it ourselves. To this I say agreed; we will manufacture for ourselves, if England will not receive our produce; but this may be done without the aid of any law. For, take the argument as stated, and what does it prove? It proves this, that our trade with England will stop of itself; that it will necessarily cease to exist, and that the law you propose to pass is wholly useless. In confirmation of this point, it is necessary only to advert to the rule which the Speaker himself has laid down. He was asked what would be the extent of our imports after this tariff had gone into operation, and to this question he answered, "that our imports would be measured by our exports." Now, if the imports will be measured and regulated by the exports *after* the adoption of this system, why will not the same rule apply *before* the adoption of the system? If the rule acts in one case, as stated and agreed to by the Speaker, it will hold equally good in the other. Thus the evil of overtrading, of buying more than we can pay for, which seems to alarm gentlemen so much, and which they are so anxious to correct, turns out to be of no consequence at all. For no principle of political economy is more true than this: "that no country can long import unless it also exports; or, can long export unless it also imports." Any regulation, therefore, which we may adopt to restrain the excesses of foreign commerce, and thereby to benefit our own manufactures, is completely a work of supererogation. To suppose that England will give us her commodities would be to charge her with extreme folly, which must be the case if she will not take our produce in payment for what we receive. But, suppose she does continue the folly of thus giving to us. I hope we shall not be guilty of the still greater folly of refusing to receive what is thus given. Any uneasiness on this head, I should think, ought to be felt by the *giver* rather than the *receiver*. Of one thing we may rest perfectly assured, to wit, that she will get tired of it soon enough for all the purposes and designs we may have of promoting our own manufactures. But it seemed to him there was some misapprehension on this point. The gentleman from Pennsylvania, and the most of those who acted with him, urged as a reason in support of the bill, that British goods were sent to this country and sold for little or nothing, in order to break down our manufacturing establishments. No gentleman had asserted this to be a fact coming within his own knowledge, and, until that assertion was made, he should feel at liberty to doubt whether the fact had existed in the manner stated. We all know that distress has prevailed in England as well as the United States. In our own country, sacrifices of property have been made both at public and private sale. Why not, then, ascribe the sales of British goods in this country to the distress which existed in England rather than a wish to subvert our manufacturing establishments? It is, in my judgment, most probable that the former was the cause of those sacrifices of goods at auction sales, of which gentlemen so much complain, and against which they are so anxious to guard. But, if it was not, he contended it would be impossible that the foreign manufacturer should continue the practice for any great length of time, and, therefore, the remedy proposed in the bill was entirely useless.

The Speaker had again said, that England, refusing to take our produce, receives any balance against us in specie. It was for this purpose, he also said, that she had taken off her restriction upon the East India trade, and he therefore argued that the evils arising from such an intercourse ought to be corrected. But, to my mind, replied Mr. W., this is no evil at all, or, if it is, that it will infallibly correct itself. Here let me invite the attention of the House to what was before said. Whence did we procure the gold and silver which circulated among us some years ago? From foreign commerce, must be the answer. Then, if the unfavorable balance of trade with England took specie away from us, the favorable with other nations of the world brought it into the country in the first instance, and will continue to bring it so long as it shall be demanded. Suppose, for example, that Great Britain, Spain, and the United States, trade together. Suppose, further, that in our intercourse with England, there is an unfavorable balance against us. Now, if the trade continues, it is perfectly immaterial whether this balance is paid in specie or in produce; because, if England will not receive our produce, we carry it to Spain, South America, or the West Indies; we there sell it for cash, and then proceed to England, whence we lay it out as we may choose, to the best advantage. Thus we see that specie is obtained by the sale of our produce, and whether it is made in the first instance to England or to Spain, is a matter of perfect indifference. But, if England will not take our produce, and if we cannot procure gold and silver from Spain, or some other country, then the trade will stop of itself; will necessarily cease to exist, unless, forsooth, Great Britain should adopt the policy of giving to us whatever we want, or, which amounts to the same thing, of trading with us, although we should be unable to make payment for what we receive.

It is in consequence of these principles that I subscribe fully to the sentiments advanced by the gentleman from Massachusetts, respecting the trade to China and the East Indies. It has been fashionable to condemn this trade, because the people of those countries would receive nothing but gold and silver; but, instead of being injurious, it was the most profitable commerce in which we could engage. A merchant, for example, sold his cargo of produce in South America for fifty thousand dollars; with this sum he proceeded to China or the East Indies, and obtained for thirty-five or forty thousand dollars, what would have cost him forty-five or fifty thousand dollars if he had made his purchases in any other country of the world. He then obtained the same amount of commodities, and had a balance left of five or ten thousand dollars, to be put into his pocket, which balance would not have remained if he had traded with any other part of the world. In this point of view, therefore, the commerce with China and the East Indies was the most profitable of any in which we could engage. It is unnecessary here to add any thing in relation to a further advantage to be derived from those particular articles of this traffic for which a market could be found only in China and the East Indies. I have understood that our enterprising merchants and seamen would leave the ports of the United States with only a few thousand dollars worth on board of their vessels; that they would go the Pacific Ocean, would there supply themselves with cargoes, and then proceed to China, and obtain in exchange for their produce ship loads of the richest and most valuable commodities. These returns could not have been purchased with the same articles in any other market; and on this account, again, the China trade was most profitable, and should not have been put down. Another view taken of the subject, by the gentleman from Pennsylvania, was, that it would benefit the planters and farmers, by giving them a higher price for their produce; and that our manufactures would be better than imported goods. But I beseech that gentleman not to forget himself and his friends in his great zeal to benefit the agriculturists. The results which he predicts cannot take place, or, if they do, the manufacturers must be involved in irretrievable ruin. For, how can they sell their goods cheaper after the price of breadstuffs and raw materials has been raised than they can now, when both breadstuffs and raw materials are absolutely worthless; are, in fact, as the Speaker told us, rotting in our barn yards? Explain the principle why you can sell cheaper, when corn is at a dollar per bushel, and wool at a dollar per pound, than you can when corn is fifty cents a bushel and wool fifty cents a pound. To me it seems unreasonable to suppose that such a result can follow; for, if cloth now sells at ten dollars, when corn and wool are at the inferior price of fifty cents as mentioned above; it is not possible in the nature of things that cloth can be sold at six or eight dollars, when the price of corn and wool shall have advanced to one dollar each. Upon this supposition, the manufacturer would constantly receive less for his labor while his necessary expenditure would be increased, and if such a process would not eventuate in his ruin, I must confess, I do not know what would have the effect. No, sir; if, as gentlemen contend, breadstuffs and raw materials are worthless—are of no value at all—now is the time to begin a manufacturing system, because, now you can afford to work at a cheap rate and to defy all foreign competition.

But, how is it proposed to raise the price of breadstuffs? Why, by lessening the quantity produced. The gentleman from New York (Mr. Wood) said that too much of the labor of the country was devoted to agriculture. Upon this principle the Speaker also proceeded—when he said that 500,000 persons employed in factories would consume 900,000 barrels of flour. This had been put as an example showing the beneficial effects which would result to agriculture by diverting a portion of labor from that pursuit and employing it in manufacturing establishments. Then, said Mr. W., the inference was clear that it was intended to raise the price of breadstuffs by lessening the quantity produced, and he would ask whether this was a blessing? No; but, in his opinion, it was a curse. Ask a famished Irishman, during the late distress in that country, whether he considers it wise to lessen the quantity of sustenance which any country can produce? Ask any poor man in our own country whether he can live better upon three pecks than a bushel of corn? The argument of the gentleman amounts to this, and I should believe that an individual to whom such questions were propounded, would suspect the wisdom or sincerity of him who proposed them. Sir, it is irreverent in us to complain that we are too highly blessed in this particular. It is better to have ten times too much than one-tenth too little of what is to be eaten; of what is absolutely and indispensably necessary to our very existence itself. Therefore, although the manufacturing project should tend to raise the price of breadstuffs, yet it will do so by lessening the quantity produced, and in this way, will operate as a serious curse upon the poorer classes of society. If any blessings attend the system, England must be in the full enjoyment of them, because she has carried it to the greatest extent. The Speaker, to be sure, had told us that, during his visit to that country, he had remarked that no people were more comfortably provided for or apparently more happy than the laboring part of the population of Great Britain. While disposed to give entire credit to what the Speaker has said, I must be permitted to doubt whether his personal observations into this matter were so full or extensive as he could have made under different circumstances. He associated with kings rather than beggars, and of course his opportunity for observing the condition of the entire laboring class in England was not so favorable as it might have been. Other persons have said that the manufacturers of Great Britain were obliged to labor from fourteen to seventeen hours out of the twenty-four; and to live on a vegetable diet in order to earn a miserable pittance of wages? Is this the way in which you propose also to bless our people? Is this the way in which you propose to raise the price of breadstuffs? If it is, you will do it with a vengeance, indeed; for when the system gets fully into operation, you will have raised the price so high as to put it out of the power of any poor man to eat bread. You will, in this manner, take from him the half loaf which he might otherwise obtain. Now, what is the duty of every wise and beneficent government? It is, to take care of the poor, rather than the rich; because, say the moral and political writers, the rich can take care of themselves. In England, while the poor manufacturer was obliged to work from fourteen to seventeen hours out of the twenty-four, and to live on a vegetable diet, the wealthy owner of the establishment, no doubt, "fared sumptuously every day, and was clothed in purple and fine linen." But, was this right? Is this the condition into which gentlemen would lead our people? Is this the end to which we must finally come? If not, let us ponder well the course we are about to take. Let us deliberate maturely before we commence a system which may possibly tend to the results which have been indicated.

There were other objections to this system, which might be denominated of a political nature, but which weighed, said Mr. W., on his mind as forcibly as any that have been mentioned. To me, it seems impossible, that a Government like ours can exist in any country not essentially agricultural. An author, who writes one of the best histories of the American Revolution I have ever read, ascribes the origin and establishment of our Government to the *peculiar felicity of our situation*. He says, that every man in America was a landholder; that, while blessed with health and strength, with genial showers and a warm sun, he could sustain himself in comfort and independence; he could live by his own exertions; he could subsist by the sweat of his brow: that he was, therefore, equal with, and independent of, all others. This remark was correct and philosophical. In the application of it, we may assert, without hazard, that what led to the establishment of the Government, is equally necessary to its continuance. Could the poor starved manufacturer of England feel that lofty independent spirit in respect to his employer, which every man in this country can feel, in respect to all the rest of his fellow-citizens? No; he could not. Any measure, therefore, of our Government, which tends to derange those circumstances, or to impair that peculiar felicity of situation which led to its establishment, must so far jeopardize its continuance. A concentration of landed property, in the hands of a few, must endanger the existence of the Government, because, according to the principle assumed, a diffusion of that property was the circumstance which first led to its establishment. I will not say, sir, that any one circumstance, or that any particular combination of circumstances, exclusively, conduced to the establishment of the Government: but I will say, that the circumstance alluded to by the historian, of the landed property in this country being generally diffused among the people, was one which prominently tended to that result. Had not this been our condition, it would have been impossible to institute a Government like ours, founded upon the broad basis of equal rights. Inasmuch, therefore, as the manufacturing project tends to disturb that diffusion of property, and consequently to impair that principle of independence and equality natural to our people in their present condition, I, for one, should be disposed to give it a decided negative.

Not only so, but the project would have another effect highly pernicious. It will tend to destroy the health and strength of those engaged in manufacturing establishments, and impair the physical capacity of the people for the great objects of self-defence. The gentleman from Virginia had limited his remarks, when he came to speak on this point, and it is not my purpose to transgress the rule which he prescribed to himself, further than to notice a remark made by the gentleman from New York, who stated it was necessary to adopt this bill, to correct and restrain that spirit which seemed to be growing up in the country. He admitted, with the gentleman, that a military spirit was dangerous in its consequences, and ought to be restrained. But the plan of the gentleman would have an effect the reverse of that which he desires. No one can doubt that, of all pursuits, agriculture is the most congenial to the nature of man, and best adapted to preserve his health and happiness. It also predisposes him to peace: but, if war becomes necessary, it qualifies him to prosecute it with vigor and effect. If, sir, you want a people "swifter than eagles and stronger than lions," will you go to the fields of the agriculturist or the shops of the manufacturer? Certainly they must be looked for in the former, rather than in the latter, situation. He would not be understood as applying these remarks to our present condition. We are not yet sufficiently advanced in the business to have become the subject of all the pernicious consequences flowing from the system. But, if the effects are pernicious at any time, we should not now begin a work which we may hereafter wish we had never commenced. That evils of the kind he had noticed would ensue, the history of England, indeed of all other manufacturing countries, would most amply prove.

Great diversity of opinion exists as to the effects this measure will have upon the revenue. Any opinion on this subject must be in a considerable degree conjectural. Some gentlemen think the smallest increase of duties will impair the revenue, while others say an addition of thirty or forty per cent. will not prove injurious. Experience alone can determine the point, and of experience we have not as yet the benefit or advantage. But if this bill affords to the manufacturers the relief which they expect, it is evident it must do so by lessening the amount of imported goods. If the amount of imports be lessened, it is fair to presume the revenue will be diminished, and then a resort to internal taxes becomes necessary to supply the deficiency. At this time it is the peculiar privilege—the great boast of the American people—that they are not directly taxed; that the Government sustains them, like the air in which they live, without their feeling it. No one is obliged to pay any part of the revenue which Government annually receives, or, if he chooses to do it, he himself assesses the amount of his contribution. In all this, he acts spontaneously—he is under no restraint or coercion whatever. But he would not be equally free if a direct tax should be imposed upon him. Under this system, whether he was willing or not, he would be obliged to pay. If the seasons had been adverse; if his crops had failed; if all his means of contribution to Government had been entirely cut off,—still he would be obliged to pay; and (if he did not do it voluntarily) his property would be sacrificed at a sheriff or marshal's sale. The coercion or restraint in the one case, and the perfect freedom in the other, ought, Mr. W. apprehended, to leave no doubt in the minds of gentlemen as to the course which should be taken. No measure should be adopted which can possibly interfere with our present system of revenue. The debts of the nation must be paid, and our present system affords us the means of doing it with ease and convenience to the people; whereas, if we destroy it, the people will be subjected to taxes alike vexatious to them and perplexing to the Government.

The injurious effect which the passage of the bill would have upon the Navy should be noticed. The gentleman from Pennsylvania had urged that it would have no effect; and, in proof of it, had called our attention to one of the ports in Rhode Island, the tonnage of which had not been diminished by the increase of manufactures in that vicinity. But, admitting the fact to be as stated by the gentleman, he (Mr. W.) contended it would not avail him in the argument, because mere exceptions prove nothing. All must agree that manufactures are of less bulk than raw materials; and if our vessels are hereafter to be employed in the transportation of the former, it follows most conclusively that fewer ships will be wanted for that purpose, than if they were engaged in conveying the raw materials. In this view of the case, then, without adverting to any injury which is done to the revenue, it must be conceded that the navigation will be diminished; and, of course, the naval strength of the country will be proportionably weakened. Now, I ask if we should, on any consideration, agree to this?. The Navy has been emphatically termed the strong arm of the nation. The late war had proved its efficacy. You, Mr. Chairman, and every other man in the nation, will long remember the feelings inspired by our triumphs upon the sea. You will not forget that the melancholy news of the surrender of Hull was more than counterbalanced by the glad tidings of the victory of another HULL. Shall all the honor we have acquired, and all the brilliant prosperity before us, be sacrificed to an unreasonable thirst for gain in a few citizens? I hope not. On the contrary, let the commerce of the country pursue its accustomed channels; let each one depend on his own exertions; let him be industrious, and content with ordinary profits in his business; let him not ask others to tax themselves exclusively for his benefit.

The project for establishing manufactures is premature. Our country is too new to commence and prosecute such business with advantage. In the Northern and Eastern States, where protection is most loudly called for, the people might be more profitably employed in other pursuits. The protection now afforded to them amounts to an average of 40 per cent., and yet they call for more. Does not this prove that labor, in any other business, would be at least 40 per cent. more valuable to them than if employed in manufacturing establishments? Every business should be free; coercion and restraint upon one, with the view to afford legal aid or encouragement to another, gives to society an unnatural and artificial state of existence which necessarily tends to the injury of all. If we esteem the freedom of our institutions; if we value the equality of our people, we should not adopt a policy calculated to impair the one, or disturb the other. In conclusion, Mr. W. remarked, that he should not go into the details of the bill. That part of the subject had been so fully discussed as to supersede the necessity of consuming any more time in relation to it. He should, therefore, conclude, by again expressing a hope that this measure, so replete, as he believed, with fatal consequences, would not be adopted.

When Mr. W. concluded—

Mr. STRONG rose and said, that, at this protracted period of the debate, and after the Committee had so long and so patiently listened to the eloquence, argument, and wit, which the various and interesting topics connected with the bill under consideration had called forth, he could not claim much of their attention to the humble efforts which he felt it his duty to make. He, however, hoped to be gratified with the kind indulgence of the Committee, while he submitted to their better judgment some of the reasons which had induced him to advocate the principles and policy of the bill.

As this occasion, said Mr. S., has been taken by those who have immediately preceded me, to discuss the merits of the bill, the Committee, I trust, will pardon me, if I pursue the same course. But, in doing so, I shall purposely avoid touching upon any matters which have been discussed during the progress of this debate.

Our condition, Mr. Chairman, as a nation, is peculiar. We depend almost wholly upon the production of raw materials, and upon the sale or exchange of these raw materials, in a foreign market, for our commercial prosperity. There is well grounded fear that the foreign market for these articles will fail us. Suppose it should fail, what is the alternative? Is it not either the abandonment of foreign commerce, in American ships, or the establishment of American manufactures? If we intend that this commerce shall go on, must we not provide the means of carrying it on? And what are these means? Articles adapted to the markets in which they are to be offered for sale. The raw material must change its form, as the wants of the purchaser change. This can only be done by the interposition of manufacturing skill. Now, as the earliest efforts of art and skill are rude, and as manufactures do not spring into perfection spontaneously, they need, and must receive, the fostering care of the Government.

Many of the honorable gentlemen who are opposed to this measure, profess (and I am bound to believe them sincere,) to be friendly to the manufacturing interest, while their arguments prove, if they prove any thing, that commerce ought to be unrestrained, and left free as the air we breathe. Now, as the protection sought can be attained only by imposing terms upon the admission of the foreign fabric, how is the free admission of the foreign to protect the American fabric? Thus, their professions and arguments seem to contradict each other. While the former would relieve, the latter go to ruin the American manufacturer.

But it has been urged upon the Committee, and with no small degree of force, that, if this measure be adopted, agriculture, commerce, and navigation, will be injured, and, peradventure, ruined. Indeed! Why, sir, if we are to believe the testimony delivered within this Hall, all these great interests are now on the verge of ruin. They are, in truth, grievously depressed, but not yet on the brink of the precipice; though, in all human probability, they will be there soon, if not relieved; and, if once there, it may be too late to relieve them. This subject is peculiarly interesting to me. The great national interests of agriculture, commerce, and manufactures, have taken deep root in the State of New York. Her interests, therefore, are emphatically and necessarily national interests. They are identified with her prosperity. The integrity of the States is not more closely bound up in the Federal sovereignty, than these interests are intimately interwoven with the vitality of her existence. Thus, I would not, indeed I could not, knowingly, advocate any measure which would injure or impair them.

What, sir, does the bill propose? What are its great objects? To provide revenue—encourage domestic manufactures, and furnish the means of national defence. These are the objects, and I suppose no one denies their importance. We differ only in the mode of attaining them. Industry is the source of national greatness. Yes, sir, honest, productive industry, is the fountain whence are drawn the strength, wealth, and power of a nation. Should the bill become a law, will it, in its operation, diminish the aggregate amount of the national industry? Far from it. Its policy is, and, if am not utterly deceived, its operation will be, by protecting manufacturing skill, and creating a steady home market, to give continued and productive employment to the greatest number of hands, and thereby to render us independent of foreigners for many of the commonest necessaries of life, and the essential means of defence.

A great variety of objections have been urged against this bill. Were I capable of answering, I should not attempt to answer them all. The Committee, I hope, will indulge me while I briefly notice some of them. The assertion has been made, repeatedly, that it will directly prohibit the importation of many foreign articles, which are now brought into the country in considerable quantities. And not a few of the arguments against it have been built upon this assertion. It is easier to assert than to prove what is asserted. I call upon gentlemen for the proof. I ask them to point out the article, the proposed duty upon which amounts, of itself, to a prohibition. No, sir, there is no prohibition in terms—it is in tendency only; and no article of foreign manufacture will be excluded until its place shall be supplied at a better and cheaper rate by the domestic manufacture.

The gentleman from Virginia, (Mr. P. P. Barbour,) whose argument was marked with temperance and ability, told the Committee that, from the force of circumstances and the nature of things, the Northern States enjoyed the advantage of a large capital, dense population, and free labor; while the Southern States experienced the disadvantage of a deficient capital, sparse population, and slave labor; and that, consequently, the operation of the bill would be unequal, unjust, and burdensome. If this objection be good, then it is conclusive against any tariff, and all legislation upon this subject must, of necessity, be wrong. But, is it so? Has it come to this? Does the free labor of the nation call for relief; and is no relief to be granted because God and nature, or the industry of man, may have made a difference in the moral and physical condition of the several parts of the Union? Is one portion of our common country oppressed, and shall not the other bear its share of the common burden? What interests are to be consulted but those of the Union? There doubtless is inequality in the condition of the States. It is found in the different kinds and quantity of their agricultural products, and in the diversified habits and pursuits of their citizens. And of all the subjects which require the interference of the National Legislature, perhaps no one than this demands a larger compromise of feelings, opinions, and interests. Cotton, sugar, rice, and tobacco, the great staples of the Southern States, are not, and the three first cannot be produced in the Northern and Eastern States. In the latter are many productions of prime necessity, the rewards of labor and skill, which are not produced in the former. Now, it is hardly to be expected that any tariff can be so nicely adjusted as to operate equally upon all the conflicting interests, in every climate, throughout this vast Confederacy. The duty of ten cents a pound on manufactured tobacco, amounts nearly to a total exclusion of the fine tobacco of the West Indies and Mexico from the Northern markets. The duty of three cents a pound on brown sugar, is a direct bounty to the Southern planter; both because the article meets with little or no competition, and because its production does not, and probably never can, supply the domestic consumption. The duty also of three cents a pound on raw cotton must be taken as a protecting, if not a prohibitory duty. What other reason can be given for laying or continuing it in the existing law? But this is not all. The proposed duty on cotton and woollen goods will affect the North more than the South, upon the supposition that the market price of these goods will be enhanced in proportion to the increase of the duty. The negro clothing, for example, required for the annual consumption of the slaves of the South and West, bears a small proportion to the amount of woollen goods, which will be annually consumed by the hardy freemen of the North and East. The people of the Northern and Eastern States, in proportion to their numbers, contribute much more largely to the public Treasury than those of the South, because they consume a much greater value of dutiable articles. The reason of this is to be found in the difference of climate and habits. But the small addition of price, which the augmented duty may be supposed to give, will be temporary. It cannot be permanent. Competition and supply will soon reduce the price of the domestic manufactured article below the present price of the foreign articles. The existing low prices of our domestic cotton fabrics will afford conclusive evidence of this result.

The honorable gentleman (Mr. Barbour) further insisted that the power to lay and collect taxes, duties, and imports, was granted with a sole view to revenue; and that any application of the power to protect domestic industry, at the expense of the revenue, would be a violation of the spirit of the Constitution. Sir, the power of Congress "to regulate commerce with foreign nations," is absolute. Did the proposed exercise of any power which Congress may possess, go to destroy the subject-matter, that is, the particular kind of article, upon which the taxing power is to operate, the objection would be valid. This, however, can seldom or never be the case. It can happen only when the importation of the foreign article is prohibited, and the domestic production of a similar article forbidden. But if the power of laying duties, to which the gentleman referred, respects revenue alone, whence the discrimination in the existing tariff? Why is the duty on manufactured tobacco, for example, so high as almost entirely to exclude the foreign product? Wherefore are other articles, the productions of foreign countries, as dye-woods, for instance, admitted *duty free?* If it be not for the purpose of encouraging manufactures and protecting the national industry, what is it for? Why has the revenue, which might have been derived from a duty on these articles, been sacrificed? But, sir, should the good people of the United States resort to direct taxation, as the only means of raising a revenue for the support of the Government, what then? Are our ports to be opened, and our custom-houses shut? Are foreign productions, of every kind, whether raw or manufactured, to be admitted duty free? Sir, foreigners are wont to look to their own interest more than to ours. Suppose they should conspire to keep our markets glutted with tobacco or breadstuffs, for the purpose of breaking down the growers of these articles: is there no power in this Government to secure to the planter or farmer the only occupation upon which his subsistence depends? This power primarily regards the industry, interest, and safety of the people. As it respects foreign fabrics, the question is one of admission only; it is, whether they shall be admitted upon any, and upon what, terms? These terms are indicated in every exercise of power. It is, perhaps, the only one which, while it permits trade and intercourse, stands as a barrier between American industry, and the action, arts, and arms, of its enemies.

Another objection to the bill is, that it will diminish the revenue. This has been pressed upon the Committee with great earnestness. It may, but I think it will not, have this effect. It is difficult, indeed impossible, to ascertain what its precise effect will be upon the revenue. There are, however, some considerations which go to warrant the belief that the revenue derived from imposts will not be diminished. The annual increase of our population is nearly half a million. There is an augmented consumption of articles of mere luxury. They are the tribute which the rich and proud pay to pomp and fashion. These are the delicate and costly fabrics of wool, cotton, flax, and silk. Of these, we manufacture comparatively none, and probably shall not for a long time to come. But, of the coarse woollen, cotton, and linen goods, which compose so great a part of the common necessaries of life, we do manufacture a large amount. The difference between the gross value of the finer and coarser sorts of foreign fabrics, which are imported and consumed by us, is considerable; and that difference is in favor of the finer and most expensive manufactures. The consumption of the coarse foreign article gradually diminishes, and will continue to diminish, as the domestic article supplies its place. Not so of the articles which we do not manufacture. It is, therefore, not unfair to presume that the consumption of luxuries of foreign production will increase with our increasing population and wealth; and that the augmented duties upon the luxuries of life will, at least, make up the loss which the revenue may sustain from the diminished importation of the common necessaries of life. These observations are made chiefly in reference to articles of dress. The same course of reasoning, however, may be applied, and with greater force, to the articles of tea, coffee, and spices, which our country does not produce, as well as to those of sugar, molasses, and spirits from the cane—the domestic production of which forms, and from the nature of our climate must always form, an inconsiderable part of the annual domestic demand.

Having mentioned the subject of molasses, permit me, sir, to make a few remarks in relation to the proposed increase of duty upon it, from five to ten cents per gallon. I am against this increase. I think the existing duty high enough. A large class of our citizens, who are frugal and industrious, but comparatively poor, are compelled to use it instead of sugar. They can buy this, because it costs less, and is more nutritious than sugar. It composes with them a portion of the common sustenance of life. Why, then, impose a much higher duty on this, than on any other article which makes up a part of our daily subsistence? Why strike this blow, though never so slight, at the navigation of the country, by suddenly diminishing, perhaps excluding, the importation of a bulky article, an article of food—and an article of which the domestic supply does not, and never can, equal the demand? But what is our obvious policy with respect to the West India trade? Is it not to facilitate, cherish, and protect it? Our products sent to the West Indies are mostly such as no other people will take of us at any price. Their products are such as we want—most of them such as we must have—and some of them such as our soil and climate will not produce. If I am right, the agricultural interest of the country will be promoted by encouraging, not by destroying, that trade.

If then, sir, the intrinsic difficulties of forming a tariff are not insurmountable—and if neither the letter nor the spirit of the Constitution will be violated, nor the public revenue destroyed in the attempt, we may inquire into the condition and wants of the country, and ascertain what can be done to better the one and relieve the other. One truth is clear—if our liberties are worth possessing, they are worth defending. But how are we to defend them? Shall it be by depending upon the industry of others, or upon our own? Shall we rest the prosperity and independence of the nation upon the will and caprice of foreigners, or upon our own competent and exhaustless resources? I speak not of men or morals. The resources to which I allude are the great staple productions of our common country. They are breadstuffs, wool, cotton, flax, hemp, iron,—and the enterprise, ability, and readiness of our citizens to fashion them for use, for comfort, for defence. England and France have the advantage of us in skill. But it should be marked and remembered, that neither England, nor France, nor any other State in Europe, produces all these raw materials. And the fact should not be forgotten, that of these, we produce all—while, of some of them, they buy all. Is it then longer to be tolerated, that a nation, like ours, standing as a citadel, encompassed and watched by the enemies of freedom, should go to foreign workshops for her coats and blankets—for her swords and bucklers? No. The materials, of which they are made, are produced at home—and they should be wrought at home. Sir, but for the manufactures of wool, cotton, hemp, and iron, our domestic comforts would be gone, and the nation, with all her freedom, could not withstand the shock of war a day, an hour. Protect the industry of the nation, and it, in turn, will furnish the means of comfort and defence.

The distresses of the country have been well portrayed by others. It is admitted, on all hands, that the agricultural, commercial, and manufacturing interests, are in a depressed condition—and that they all want relief. One word in relation to the character of these interests, which thus divide the labor, and occupy the time, of most civilized nations. The agricultural interest (and it is the mother interest of this country) produces the raw material—the manufacturing gives it a new form and value, and the commercial distributes the product of the labors of both. The distribution and price of the commodity depend upon accidental causes, often beyond the control or foresight of the commercial agent. And these causes are to be found in the ever varying wants of man. The operations of commerce result in the exchange of equivalents, the price of which is estimated at the place of exchange, and the value to the holders at the places where they are to be consumed, or re-exchanged. But this consumption, or re-exchange, depends entirely upon the wants of the consumer. Hence, no man will exchange one commodity for another, when he has an adequate suppy of that commodity. If, for example, he has breadstuff enough, he will not buy or take yours; and so of every other article. What is true of an individual, in this respect, is true of nations. One nation cannot sell more to another than that other will buy. A prudent nation will not buy more than it wants. And no nation will buy what it does not want. For the truth of these remarks, I appeal to the intelligence of the Committee, and to the condition and commercial experience of the country.

Hitherto, sir, nearly all the enterprise and industry of the country have been devoted to agriculture and commerce. As a nation, we have relied, for wealth and prosperity, almost exclusively upon the production and sale of raw materials—that is, upon the surplus product of agricultural labor. This surplus, as well as the means of subsistence, has been drawn, with some trifling exceptions, from the forest, the land, and the sea. As the farmer, who has no other occupation, depends absolutely upon the production of grain; or the planter, upon the production of cotton, for comfort, subsistence, and the reward of labor; so has the nation depended, and so does she now depend, upon the sale or exchange, in foreign markets, of the aggregate surplus products of her citizens. When these raw products cease to be wanted, or taken abroad, foreign trade ceases. It must then cease. For, if we rely upon the products of agricultural labor with which to buy the foreign fabric, and the foreigner will not take of us these products, we cannot buy—and for the plainest of all reasons, we cannot pay. In proportion as this aliment of foreign commerce fails, our navigation engaged in that commerce fails with it.

Let us now examine into the former and present condition of that part of our trade, which consists in the exportation of the domestic products of the country. I shall not go into any inquiry in relation to the re-exportation of foreign products; because it is apparent that this trade may be carried on to a considerable extent upon credit, and because the inquiry, in any point of view, is not material to the argument.

The value of our exports of domestic produce, compared with our population in 1800, averaged eight dollars and a fraction to each inhabitant; in 1810, six dollars; in 1820, five dollars; and in 1823, about four dollars, omitting the fractions. Thus, though our population within this period has doubled, and our means and ability of production more than doubled, yet the value of our surplus products has diminished. Take the average value of these exports for the three years ending on the 30th of September, 1802, 1812, and 1822, respectively, and you will arrive at the same result. But there is another view of it which, it seems to me, must remove all doubt. The aggregate value of these exports amounted, in 1800, to $47,473,204; in 1820, to $51,683,640; in 1821, to $43,671,894; in 1822, to $49,874,079; and in 1823, to $47,155,711. Hence, it appears that the amount of exports has been gradually diminishing since 1820, and was less the last year than it was in 1800 by some hundred thousand dollars. The amount of raw cotton exported in 1800 was $5,000,000, as near as can be ascertained. In 1823, it amounted to $20,000,000. In the last year, domestic manufactures, of all kinds, were exported to the value of near $3,000,000. The total value, therefore, of every description of raw material, exclusive of cotton, wool, and articles of domestic manufacture, exported in 1823, was about $18,000,000 less than in 1800; and this diminution has fallen almost exclusively upon the Middle, Northern, and Eastern States. The cotton, rice, and tobacco of the South, find a ready market abroad, while the products of the North, small as they have come to be, often find none.

As the tonnage of the nation is intimately connected with this view of the case, so it has an important bearing upon it. The amount of registered tonnage employed in the foreign trade in 1810, was nine hundred and eighty-four thousand two hundred and sixty-nine tons; in 1822, six hundred and twenty-eight thousand one hundred and fifty tons only. During this period there was no material variation in the small amount of foreign tonnage employed. Our tonnage employed in the coasting trade amounted, in 1810, to four hundred and five thousand six hundred and forty-six tons; and, in 1822, to five hundred and seventy-three thousand and eighty tons. In 1810, the total tonnage of the United States in the merchant service was one million four hundred and twenty-four thousand seven hundred and eighty-three tons; and, in 1822, one million three hundred and twenty-four thousand six hundred and ninety-nine tons. The result, therefore, is, that, since 1810, the tonnage employed in the foreign trade has diminished about three hundred and fifty-six thousand tons, while the tonnage employed in the coasting trade and fisheries has increased about two hundred and thirty-one thousand tons, and the total tonnage has decreased something more than one hundred thousand tons. Since 1818, however, the registered tonnage has increased, about twenty thousand tons. Now, the argument to be drawn from the actual condition of our foreign trade and tonnage is this, that the quantity of raw materials exported during the last year was much less than in 1810; and that the value of these exports has been gradually and annually diminishing, notwithstanding the quantity of agricultural produce sent abroad during the past year or two has somewhat increased, owing to the increased production of raw cotton. What is the cause of this general and fearful depression of our agriculture and commerce? Is it temporary or permanent? The cause probably had its origin in our embargo and non-intercourse acts. Europe, from necessity, learned a lesson which she has not yet forgotten. Countries which used to look to us for breadstuff, provisions, and munitions of war, were compelled to produce them for themselves, or procure them from others. Most of them now do produce enough for their own subsistence. Their policy in this respect is as settled and permanent as ours. They depend no more upon us for what they have thus learned to produce for themselves, than we do upon them for our corn, or cotton, or rice, or tobacco. Now, as it is the surplus product of labor only which can sustain the commerce and navigation of any nation; and as the foreign market for the products of our labor, consisting almost exclusively of raw materials, is failing, and from causes beyond our control, how can our commerce and navigation be much longer sustained without the combined efforts of agricultural labor and manufacturing skill? Sir, it is in vain to undertake to fashion the purchaser to suit the article; the article must be fashioned to suit the wants and taste of the purchaser.

If these things be so, what then, sir, ought we, as a prudent nation, to do? Encourage and protect manufactures. To prosecute them successfully requires skill, capital, the raw material, machinery, and labor. Of these, except the first, it seems to have been generally admitted that we have enough. But, it is said, we are deficient in skill. There is truth in the assertion. We have already much skill, but we want more, and must have it. What is this skill? Is it valueless? No, sir; it has positive value. I do not mean, as some seem to suppose, that this value is the difference between the cost of the ore of which that chandelier is made, and the price of the splendid production. It is the abstract value of which I speak. It is that rare operation of the head and hand which, only, can impress upon rude matter a peculiar form and beauty. Now, be this value what it may, much or little, it is national property. And the nation that has it is just so much richer than the nation that has it not. My friend from Massachusetts (Mr. Webster,) has attempted (and he rarely fails in what he attempts) to prove that the foreign fabric is as much the product of our industry as if fabricated here. I agree with him that commerce is the exchange of equivalents; but I cannot assent to the conclusion to which the proposition would seem to lead, that while, by any means, we can pay for the foreign fabric, we are as well off as though we fabricated it for ourselves. This is not a mere question of money—a ledger account of profit and loss. It is a question of national prosperity and power. What is the distinguishing difference between civilized and savage life? Numbers and wealth can never compensate the want of skill, or arts, or arms. The nation destitute of these can receive no equivalent. We are not destitute of them. But to the extent to which we consume foreign fabrics, we pay to the foreigner the value of his skill and dexterity; which value, be it more or less, is so much gain to him, and so much loss to us. If, therefore, the time has come, and I think it has, when the products of our agricultural labor begin to be limited to the quantity necessary for mere subsistence, lest the surplus perish on hand for the want of a market at home or abroad, can it be denied, that the nation wants manufacturing skill? And can it be proved that the nation ought not to encourage and protect manufactures?

The gentleman from Virginia (Mr. P. P. Barbour) has further insisted that the operation of the bill now under consideration will in no way, increase the national industry. He seems to have taken it for granted that every body has employment enough. Sir, the question is not so much whether all hands are now employed, as whether they cannot be more productively employed? But, if we believe the representatations made to us in relation to this bill, from all parts of the country, both from friend and foe, there is a want of employment. How, then, can the greatest number of hands be the most productively employed? This is the problem to be solved. Production, fabrication, and distribution, are the great divisions and occupations of human industry. Can all be employed, in agriculture, in the production of raw materials; or, in commerce, in the distribution of them? No, sir; both employ a greater number of hands than either could alone. But all are not employed in both. Many of our citizens are now engaged in the work of fabrication—in the manufacture of articles of consumption. The operations of our agriculture and commerce appear to be pushed to their limit. Neither can do any more, nor give profitable employment to more hands. Commerce and navigation cannot, for this interest depends upon the carriage and exchange of agricultural products; and agriculture cannot, for its productions are gradually supplanted in foreign markets by the like increasing products of other countries. Not so with manufactures. This interest presents a vast field. It invites skill and competition. Does not the manufacturing interest, therefore, afford an increasing sphere for national industry?

Much has been said of foreign and of American policy. Sir, what is the true American policy? Is it to open our ports, and admit freely the productions of others, while the ports of others are shut against us, and our productions excluded, or, if admitted at all, admitted upon hard terms; or, is it reciprocity of trade, and the fabrication of our own wool, cotton, hemp, and iron, for domestic comfort, national defence, and foreign demand? But we are told that wages are so high in this country, that, where machinery is not brought in aid of human labor, manufactures cannot succeed. And the gentleman from Massachusetts (Mr. Webster) seems to suppose that we cannot produce the article of iron, though our country is so rich in the ore, because the average rate of wages, in Sweden, for example, is seven cents a day, while it is some four or five times higher with us. The small difference between the original cost of Swedish and American iron, is conclusive proof that this difference is not determined by the different rate of wages. If it was, every pound of American iron would cost four or five times as much as a pound of Swedish iron. The same may be said of every bushel of American wheat, and of most of the raw materials, which our country produces in such abundance and cheapness. Sir, the true secret of our ability to compete, almost, though not quite, upon equal terms with the serfs of Europe, is to be found in our free labor, and in our superior industry and enterprise.

But, sir, how have the opponents of the bill answered the call which has been so repeatedly made upon them, to point out the country in which manufactures have existed and flourished without encouragement and protection? Why, sir, it is true, that England has lowered her import duty, upon foreign wool, admitted the lumber of the north, and somewhat relaxed her colonial system. She has admitted lumber and wool upon easier terms, because she cannot produce enough for her own consumption; and what she cannot produce at home she must buy abroad. She has meliorated her navigation laws to enlarge and facilitate the exchange of her manufacturing industry. But Spain, it is said, with all her onerous commercial restrictions, is unsuccessful in manufactures. I know it, sir; and the fault is both in the manners and habits of her people, and in her peculiar system of monopolies. Other well regulated countries protect their home industry. Does England admit the woollens, cottons, or silks of France? or France those of England? Does either admit those of any country to come into competition with her own manufactures in the home market? The statesmen of England acknowledge that her manufactures of silk, with all the supremacy of English skill, can be sustained only by continued and efficient protection. It is the fact of protecting, and not the impolicy of establishing them, that is material to the present inquiry. The gentleman from Massachusetts (Mr. Webster) not being able to show that manufactures had succeeded in other countries, unaided by the parental care of Government, attempted to prove that they had succeeded in the United States, without care or protection. I think my friend unfortunate in this instance. Manufactories of minor importance have long existed in this country. Others of a more imposing character were established shortly after the adoption of the Federal Constitution. But who is there who has attentively examined the progress of manufactures among us, who does not know that the great manufacturing interest of the nation took root and flourished during the embargo, the non-intercourse acts, and the war that followed. It was in this period—a period of near seven years, and one, too, for the most part, of total prohibition of foreign fabrics, that American manufactures received their highest possible protection. With little or no foreign competition, they enjoyed the home market—all flourished—some came to maturity, and were just able to survive the shock which the peace, and with it, the great and sudden influx of foreign fabrics, produced; while others, like the infant in the tempest, were overwhelmed and destroyed. But, if they received no protection, why were so many of them ruined when the war ceased? Besides, if the manufactures of woollen, and cotton, and hemp, and iron, need no protection, why is it necessary to protect the manufacture of sugar and tobacco? The duty on the former enables the sugar planter to carry on his business, and the duty on the latter amounts almost to a total exclusion of the foreign manufactured article from our markets.

Sir, this measure has been called anti-social; and some gentlemen appear to take it for granted, that its necessary operation will be to destroy commerce and navigation. I am persuaded it will have a contrary effect. Instead of injuring, it will sustain, the commercial and navigating interest. I have attempted to prove, that the quantity and value of our domestic exports annually diminish—and that foreigners will not take our raw produce, as they used to do, because they do not want it. When they will not take the raw material, is there any other mode of relief, than to adapt the thing to their wants, and carry the article to them in the shape of manufactures? Let me ask you, sir, who is to furnish the vast supplies for the South American markets? What we shall neglect or refuse to do towards it, England and France will do for us. The Spanish patriots of the South, allied to us by interest, feeling, and the common ties of freemen, do not want raw materials—because they produce them in abundance—but they do want the manufactures of wool, cotton, hemp, and iron. And, in my humble judgment, we can furnish them with most of these articles, if we choose to do it, better and cheaper than England or France can. Is it not, then, our imperious duty, by passing this bill, to foster skill, protect manufactures, insure the rewards of domestic industry, and thus enable our country to enjoy her full share of the commerce of the world?

The opponents of this bill avail themselves largely of the professions of some of the statesmen of England, which have never been put in practice—and of the writings of political economists, which have no just application to the question now under consideration. I speak not lightly of the works of Adam Smith, Jean Baptiste Say, and others of the same school. They are certainly profound thinkers; and their books contain much valuable information. But they leave off at the very point where commercial practice begins. What is the foundation upon which their system rests? Unrestricted commerce—absolute freedom of trade. Can this state of things exist, but in the absence of all color of restraint? Does not this state of things presuppose the freest competition of mind with mind, skill with skill, capital with capital—and, need I add, free labor with free labor? I do not inquire whether this has ever been the existing state of the commercial world? But I do ask whether it now exists? What nation is there, whose statesmen have adopted the policy so strenuously recommended by these writers? Has France or any other State done it? Where is the nation whose ports are open to the free admission of the products of the world? Whose manufactures, whose skill and industry, are left unaided, and unprotected, against the arts and actions of rival nations? Again, sir: Who, of these writers, after having accurately examined the commercial laws and policy of nations, has told any one of them, England, or the United States, for example, what she ought to do, or not to do, in reference to the existing regulations, and present state, of the commercial world? Not one of them. They speak of things as they wish them to be, not as they are. They talk of freedom of trade, when there is no free trade. In a word, they presume a state of things which does not exist, and which never can be brought about, but by a convention of nations.

In the progress of this debate, the manufacturers of our country have repeatedly been called monopolists. This is an odious term, and one which does not belong to them. What, sir, is a monopoly? It is the grant to one of an exclusive right, which before was common to all. The laws relating to manufactures, like those which relate to agriculture and commerce, are general. Every citizen enjoys an equal right of becoming a farmer, a manufacturer, or a merchant. Labor is left free to seek its own reward. If, therefore, the manufacturer be a monopolist, then all who enjoy the protection and benefits of the Constitution and laws of the land, are monopolists.

But, the poor—we are told it will oppress the poor. Think you, sir, the poor will be oppressed by giving them increased employment? What is it that oppresses the poor? Want of employment, and excises and taxes upon the articles of subsistence. The condition of the American citizen, in this respect, is not to be compared, as it has been, with that of the Englishman. England taxes every thing which is necessary for the subsistence and comfort of the poor man. We tax nothing. The poor man—in truth, sir, no man, with us, is obliged to consume dutiable articles. If he does consume them, it is because he chooses to do it. The act is voluntary. No man, rich or poor, can be compelled, against his will, to contribute a fraction to the National Treasury for his food, drink, or raiment.

The gentleman from North Carolina, (Mr. Williams,) who has just taken his seat, has insisted, that the operation of this bill will be to destroy the cotton trade, and ruin the planters of the South; because, if we will not take the merchandise of England and France, they will not take our cotton. Sir, the English and French, like all other prudent merchants, will trade where they can make the best bargain. If England, for instance, can exchange a yard of broadcloth for more pounds of Brazil cotton, than she can of Carolina cotton, of like quality, no matter what the difference in price may be, she will buy the Brazil cotton. And this is the whole secret of "buying where you can buy cheapest." I believe the cotton growers have much to fear, if this measure be not adopted. To me, it appears that their safety, that the common safety of us all, is to be found in the policy of this bill. Let us examine its operation upon the cotton planter. In the direct trade between this country and England, our imports, if I mistake not, have always exceeded our exports. In 1822, the excess was more than $11,000,000; and, including her dependencies, was more than $13,000,000 against us. This difference is paid by the transfer of American stocks, and out of the proceeds of American cargoes, sold on the continent. If we take the excess beyond the value of the cotton exported to England, the difference will be more than $16,000,000; and if that of France be added, it will be more than $20,000,000 against us. The whole amount of woollen and cotton goods imported from England, in the last year, and which were not re-exported, did not differ much from $12,000,000. Now, if the effect of this bill should be to exclude the woollen and cotton fabrics of England from our markets, it is apparent, that we shall still take of her manufactures, to many millions of dollars worth, more than she will take of our cotton. Hence it is, that our cotton trade with England, or any other country, cannot be materially affected, until we import less from such country than we export to it. But, the bill will not have this extensive operation; because we shall, for a long time, continue to import and consume a large amount of the fine woollen and cotton fabrics of England. No, sir; if our cotton trade with Europe fails, it will not fail because we refuse to buy their coarse wares, but because they can buy their cotton of others to better advantage. Of the whole amount of cotton, which England annually consumes, about two-thirds is grown in the United States, and the residue in other countries—chiefly in Egypt and Brazil.

My honorable friend, from South Carolina, (Mr. Hamilton,) gave us, in the early part of this debate, a glowing description of the advantages which the Brazils possess for the successful culture of cotton. It was a true picture. Perhaps there is no country on the globe better adapted to the production of this staple commodity. In soil, climate, and cheapness of labor, it stands unrivalled. It wants nothing but a stable and temperate government. What, then, let me ask, will give the greatest stimulus to the inhabitants of that vast region to produce cotton? Will it not be by suffering England to monopolize their markets—to supply them with the coarser kinds of woollen and cotton goods, of which they now consume large quantities, and the consumption of which is rapidly increasing? Why? Because England will want their cotton more than she will want any other raw material which they can produce. What, then, is our obvious policy? Is it not to divide the market with England—to come in for our share of the trade? How is this to be done? By encouraging domestic industry, and giving the farmer a home market. By protecting the infant manufacturing establishments of the country against the importation of comparatively worthless fabrics, against the arts and frauds of foreign workshops, and thus enabling them to supply a portion, at least, of the articles which are in so much demand in the South American Republics. But can we enter in competition with England in the markets abroad? We have, for some time, carried on a successful trade with South America, in articles of domestic manufacture; and one of our enterprising citizens of the East, I understand, has recently shipped thither some two hundred bales of domestic manufactured cotton goods. Give reasonable protection, and I am persuaded we can manufacture the coarse woollens and cottons, which enter so largely into the consumption of every country, be it old or new, as cheap as England or France can. But what good will come of it? It will sustain our navigation, by opening to it a new and wider field for employment. It will prevent, in no small degree, the necessity of growing cotton in South American Republics, because we shall not want their cotton; but we shall want many other articles, which they can produce in abundance. But suppose it does not have this effect; what then? Why, sir, still it will give our cotton growers the benefit of two markets. The home market will be sure and steady, subject to none of the fluctuations of the European markets. But, sir, formidable as the South American rival threatens to be, it is not the only one to be feared. The culture of cotton has been recently commenced in Egypt. Here, also, nothing is wanting to insure its success, but a parental government. Now, will not England and France buy this raw material, which they cannot produce, and which they must have, where they can buy it at the most profit? Do you believe that either of them would sacrifice a single dollar, to promote the agricultural interest, in this country? Is it not, then, our imperious duty to adopt that course of policy, which will result in a steady home market? And what is the advantage of a home market? Ask the farmer and mechanic, and the industrious of all classes who live in the vicinity of cities, villages, and factories. In proportion as these increase, nearly in that proportion, as a general rule, productive employment increases. The farmer, for example, can sell more, though he raise less. The reason is, that he loses none of the proceeds of his labor. It facilitates trade, barter, and the endless interchange of commodities. It stimulates the circulation of money—the profits of labor. And this circulation, like the blood, animates, cherishes, and sustains, every part of the system.

The friends of this measure have been warned to forbear, and not to persist any longer in attempting to establish, by force of law, a new and untried system. Sir, it is no new or untried system. It is a system which originated with the Government. The first Congress encouraged, and partially protected, American manufactures, and American industry. The system rests upon the principles of self-defence. If the Government is bound to protect the persons, dwellings, and money of the citizens, from foreign enemies, is it not equally bound to protect their skill and industry from foreign rivalry? A rivalry sometimes not less fatal to these interests than the sword is to life.

My friend from Mississippi (Mr. RANKIN) said, we were about to adopt the policy of England, which would entail upon us, as it had upon her, pauperism, exactions, taxes, and a debt of countless millions. The measure under consideration differs widely from the English system of policy, of which he has spoken. But, were it the same, the consequences would not follow. The fault is not in the system. Has the protection of British manufactures and British industry ever added one dollar to the national debt of Great Britain? Whence, then, have arisen her debts and burdens? From her foreign wars. Were these waged for the protection of her home industry? No, sir; they were commenced and prosecuted for power—for empire. These have filled up her measure of taxes and cruel exactions. The evil, therefore, is not to be found in the system of protecting domestic industry. My friend, also, contended that, should England abolish her corn laws and give free admission to the grain of other countries, it would reduce the expense of living—lower the wages of labor, and, consequently, the price of her manufactures; and thus put it in her power to command the markets of the world. But did he stop to inquire what effect it would have upon her agricultural interest? And what would be its effect? Is there any doubt; can there be any, that the abolition of her corn laws would totally ruin the greatest portion of her farmers? What could they do? Could they turn merchants and manufacturers? No, sir; most of them would become paupers. This has a direct application to our own home matters. Let me ask the Virginia tobacco planters, whether they are willing to risk the free admission into this country of the tobacco and cigars of Cuba and Mexico? Would not this unequal competition ruin them? View it how you will, no pursuit or occupation in life is safe without protection.

I must again call the attention of the Committee to the maxim, "buy where you can buy cheapest." This has been repeated as though there were some magic in it. What does it mean? Does it mean simply the price of the article bought, without any reference to the value of the labor, money, or other thing, given in exchange? If it does, then no man or nation can, for any great length of time, continue to buy cheapest, without the risk of utter ruin. Let us look at the consequence. The industrious farmer abandons his farm, because he can buy the grain from the Baltic, or the Black Sea, and all the other products of his husbandry, from foreign countries, twenty-five per cent cheaper than he can produce them. But, if he cease to produce, has he any thing to give in exchange for the article he wants, however cheap it may be? He certainly has not. The same consequence will follow in regard to any other interest or occupation. The question, then, is not, Where can you buy a bushel of wheat, or a pound of cotton, at a reduction of 25 per cent. in the price, compared with other like articles? But it is, Where can you buy them for the least quantity and value of productive labor and skill? An agricultural nation, when the foreign demand for her products comes to diminish, will find her only safety in a home market. Not that she is to be shut up at home. This is no Chinese policy. Other markets are open, though limited. They always will be open, for no nation can produce or manufacture all she wants. She must, in peace at least, rely upon others for some portion of her annual consumption.

Sir, I am persuaded that this measure is necessary, not only to give activity and energy to agriculture, commerce, and manufactures, but to enable us to provide effectually for the national defence. Upon what does the nation rely for her protection and defence? Is it not upon well fed, well clothed, well armed citizens, and a well appointed navy? It is true we raise food enough, and to spare, but do we produce the other necessary ingredients for building and furnishing a navy, or equipping an army? We do not. With a country peculiarly adapted to the production of wool, cotton, and hemp, and abounding in the ores of iron, lead, and copper, we are still obliged to import many articles, composed of these raw materials, which are useful in peace and essential in war, and without which a battle cannot be fought, or a victory won. Go, examine our army. What proportion of the soldiers' clothing is of American, and what proportion of British manufacture? Go, examine our navy, the bulwark of freedom. There is not a ship in it but has in its construction more or less of foreign iron, canvass, and cordage. Yet there is not an article worth naming in the whole composition of a ship, from truck to keelson, which this country cannot produce. Is it prudent to depend upon England for any portion of our necessary clothing, whether for soldier or citizen? Or, upon Sweden and Russia for any part of the iron and hemp required in the construction of a navy? Is it well for a nation, possessing all resources as ours does, to depend, not upon herself, but upon others, for some of the most essential means of defence? Let the history of the last war answer—a war which, all now acknowledge, cost the country millions for the want of adequate manufacturing establishments to furnish those supplies which were indispensable, and which could no longer be derived from Europe but at great hazard and expense. Is it safe to neglect our own resources, and trust the liberties of the people, in any degree, to the friendship or cupidity of foreigners? But, it is said, that, if we undertake to grow hemp, and to manufacture canvass and iron, the expense will fall heavily upon the agriculturists. This consequence will not necessarily follow, because the competition between the home producers will keep these articles, as the foreign articles are now kept, very nearly, if not quite, at their present prices. But, suppose the price of these articles should be somewhat enhanced? Do our citizens prefer money to life? Are they willing to pour out their blood like water in defence of liberty, and will they refuse a small pittance of their wealth in peace to prevent the wasteful expenditure of blood and treasure in war? I will not believe it, sir. The men of this country are not more hardy and brave than humane and generous. They ask for protection; and I think they ought to have it. I believe the policy of the bill before you is required for the encouragement of American skill, for the protection of American industry. I believe it is called for by the spirit of the times, by the common wants and sufferings of the country, and by every consideration of national safety, prosperity, and renown.

When Mr. STRONG had concluded—

Mr. ISACKS, of Tennessee, moved to amend the bill by striking out thirty-five cents, (the proposed minimum price of cotton goods,) and reducing it to twenty-five cents, the present minimum.

Mr. ISACKS, in support of his motion, said, that, before the question was taken, he must ask the attention of the Committee a few moments; and, indeed, from the late time in the week, the late hour in the day, and the late period of the debate, he feared he could not rightfully expect that attention; and to compensate for it was certainly more than he could promise; but one thing he would promise—that his remarks should be confined to the proposition before the Committee.

He said he felt it the more necessary to state the grounds of his objection to this feature of the bill, because, in many of the other items which had been acted on, he had voted with the friends of the bill, and, if he had believed that the same principles upon which he had supported other parts of the bill were applicable to this, he should not have moved the amendment which had given rise to so much debate; that his purpose was to show the manifest difference which exists between the two grand divisions of the bill, so far as it relates to the duties imposed on importations, the places of which are intended to be supplied either in whole or in part by the manufactures of this country. To one class you give encouragement, with a view to enable them to come in competition with the foreign manufacturer on something like fair and equal ground; while, for the benefit of the other class, you propose (in effect) to exclude the foreign article altogether. The former is done upon the principle of competition, to which he most heartily agreed; the latter is prohibition, to which he was unwilling to subscribe.

Mr. I. said, for the purpose of enabling the domestic manufacturer to compete with the foreign; to produce steadiness of price in the market, (and that not, in the main, at the expense of the consumer, as he believed;) to afford additional consumption for aggregate products which could not find a foreign market; he had voted a moderate increase of duty on foreign distilled spirits, cotton bagging, iron, molasses, and some other articles which had passed in review before the Committee. But what, sir, are we asked to do by that clause of the bill to which this motion applies? Not, as in the depressed condition of other manufacturers, to assist those who are struggling for existence, and who have loaded your table with memorials, but to make a class of manufacturers the special subjects of your favor, who neither ask for, nor need, that favor, and who will not thank you for it when bestowed; for he could say, without the fear of contradiction, that, with regard to the manufactures of cotton cloths, so far as they have yet progressed, the fact must be well known to many in this House, that their business is extremely profitable; that the capital invested in all well-conducted establishments of this kind, produces, at this time, to the owners, a clear profit of from fifteen to twenty-five per cent. per annum.

It is this class, already better provided for than any other, by an existing minimum price of twenty-five cents per yard, and a duty of twenty-five per cent. ad valorem, on foreign cotton goods, that we are asked further to provide for, by increasing the minimum to thirty-five cents, not that they may thereby be enabled to set up for fair competition with the importer, but that the latter may be put down almost entirely as it relates to this article.

Mr. I. said it had been stated, in general terms, that this provision would not amount to a prohibition of the article. He would endeavor to show that it would in effect be prohibition to a great extent—and what would be the consequences of that prohibition.

He said, as the article was required to pay duty according to its value, and that duty being as high as the article would bear, it was clear that the importer could not afford to pay duty at a rateable price upon the article when it was really worth considerably less; this duty upon the amount lying between the real and rated price of the thing, would be to him a dead loss; and he thought it required no argument to prove, that no articles of this description would be imported, which were of inferior value to the minimum price fixed, in the rate of duty.

He said that the minimum of 1816 has had the effect to exclude all cottons below that value, and the present increase will have the same effect to the extent of it, and, if he was not greatly mistaken, the amount thus excluded would be at least one-half of the present importations.

Mr. I. said, if he was right in considering this clause in the bill as prohibitory, then the consequence of this prohibition made an important question. And the first thing that actually strikes the mind is, what effect will this have on the revenue? Without going further back than the last year, it would be found (if his estimate was correct) that the duty on cotton goods, printed, colored, and white, amounted to the sum of $2,782,000. Then to exclude half the amount of these importations or even less, you exclude, by that process, upwards of one million of dollars from the Treasury. This deficit must then be made up by some other mode of collection; and we had been told that the increased duties on other articles in the bill would be sufficient for that purpose. He would admit, that upon many articles the amount of revenue will be increased, but, on others, it will as certainly be diminished; and, taking all the items of this bill together, (setting apart from them *this* and other prohibitory parts) he thought, if the loss and gain throughout would balance, it was as much as any one had a right to expect; he hoped it would, and so far he was willing to risk it, but he could not flatter himself that there would be any thing over and above, to carry to the amount of prohibitions.

The whole amount of this deficiency, arising from the prohibitory parts of the bill, had been variously estimated by its opponents—suppose it to be three millions, which was a less sum than any of them had made it, though he admitted most of the estimates were made in relation to the bill as it stood before important reductions were carried.

The question then recurs, how is this deficiency, whatever it may be, (and it will be a sum worth thinking about,) to be raised? This question has been avoided by the quaint saying, "that, although the importer pays the duty in the first instance, yet the consumer pays it in the end even now." This is very true, but at present he only pays the single amount of that duty—pays it but once; but by what argument is the prohibition of articles supported? It is in effect by this: that, as the domestic manufacturer cannot contend with the foreign without taking the duty now paid by the foreign and giving it to the domestic manufacturer, and this to enable him to provide the substitute for the duty-paying article, and which, without this bounty, he could not manufacture; consequently he must, to save himself, sell his fabric as high as the foreign fabric now costs, duty and all. The consumer will then be in the same situation he is now: he will still have this tax to pay, with this difference, that he will then not be paying it to the Government but to the manufacturer—the Government is still that much money out of pocket. If, then, to get it in, you should resort to any species of taxation upon the consumer, then, on the back of the increase of price which they will have to pay the manufacturer in the purchase, they will have also to pay an equal amount to the Government; this he would call a double tax on the consumers, or paying, as a consequence of this prohibition, something like the same sum twice, which they now pay but once.

But, suppose Congress should think it more equitable, when they come to provide for this deficit, (as the loss was occasioned on account of the domestic manufacturers,) to tax *them* to make it up. You will then hear from them, though you do not now. They will tell you, "We did not ask the aid which you gave us: those of us engaged in the business asked for nothing but to be let alone. And as to the rest, you 'led us into the temptation.' We should not have employed our time and capital in this way, if you had not held out the inducement. And now, when our business is but scarcely under way, if you lay this burden on us, it will be insupportable."

But, suppose these arguments, however just, (at least in the way of reproach,) should not prevail, and they should be taxed, (for the money must be raised some how,) what then becomes of the consumer? Why, it's all the same thing in the outcome as though he were taxed himself. The manufacturer lays this tax on the goods, in addition to the former price, and the consumer has it to pay. So that, manage the matter as you may, the result will be that the consumer will then have about twice the amount to pay which the duties now cost him, if these prohibitions should occasion the reduction in the revenue which he had supposed.

Mr. I. said, with a view to *increase* the revenue, he would be in favor of a revision of the tariff; not only to hasten the payment of the public debt, so often mentioned in the course of this debate, but also to enable the Government effectually to move forward with the system of internal improvement, in which this House had at this session taken the first decisive step.

The practical operations of this system he conceived necessary to the promotion of convenient intercourse and interior trade. It stood first in the order of march towards our national prosperity, and should precede the legislative completion of the manufacturing system.

Mr. I. said he had another reason against producing any material reduction in the revenue, which, as a Representative of the people, he was bound to respect. He would not libel his constituents by saying that the imposition of a tax (should that be the consequence of these prohibitions) would excite them to disaffection, and drive them to disunion. He knew they would bear it to the extent of their ability, with that patience and determined fortitude which they had shown on all occasions when put to the trial; but a knowledge of their situation compelled him to say, that at this time they would be unable to bear it. He would not go into an enumeration of the causes and effects of their embarrassment and distress: one thing at least was evident, that, owing to the wretched condition of our currency, we have nothing that we could pay taxes with; and in this respect at least we are as well off, and perhaps a little better, than our good neighbors immediately to the north of us.

Mr. I. said, that, in support of some of the provisions of this bill, an argument had been used, with great effect, that we should provide for our defence in the unwished-for event of war; but this argument could only apply to the encouragement of the manufacture of iron, lead, hemp, and perhaps a few other articles, necessary for the national defence. So far he acknowledged all its force; but it did not apply to the part of the bill now under consideration. The country is not to be defended with calico and muslin; that business requires sterner stuff.

Mr. I. said, that his assent was most cheerfully yielded to an increase of duties on silks, India and China goods, and all other articles of fashion and luxury, to the extent they would bear, with a view to revenue.

But, Mr. I. said, he would not so far violate his promise to the House as to permit himself to go into an examination of the general principles of the bill; and he would only add—take away its prohibitions, save the revenue, and then encourage manufactures and reward industry.

Mr. Cassedy, of New Jersey, addressed the Chair as follows:

Mr. Chairman: After the protracted debate which we have heard on the subject under consideration of the Committee, and the talent and eloquence which have been exerted, as well by the friends of the bill, as by those gentlemen who have considered it their duty to oppose it, I would not presume to intrude my remarks upon the patience of the Committee, were it not for the solicitude which I acknowledgedly feel, in common with my constituents, in the fate of the question which is soon to be decided.

Admonished, however, by many considerations, I propose to ask the indulgence of the Committee but for a short time. The policy of the bill before us, though the bill itself may probably be susceptible of some amendment, is, in my view, neither of a sectional nor partial character, but national in its objects, and adapted to promote the welfare, not of one class or interest of the community exclusively, but that of the nation at large. Were I not a convert to the truth of this doctrine, or if I could believe, with some gentlemen, that the effect of the bill would be to burden the many for the benefit of the few; to depress one section of our country for the advancement of another; to aggrandize the manufacturing at the expense of the commercial and agricultural classes of the community; or to subject the domain of the cultivator of the soil to the operation of a direct tax, for the benefit of the manufacturer, I would have voted in favor of the motion made by the gentleman from New York, to strike out the enacting clause of the bill.

Of all the employments which occupy the attention, or exercise the industry of mankind, that of the cultivator of the soil is among the most honorable, as it is the most useful; all others are, in a great degree, dependent on it. It was the primeval occupation of our species, and is engaged in executing the mandate of Heaven itself, by extracting, with a laborious and persevering hand, from the prolific bosom of the earth, the food which sustains life, the materials for our clothing, and many of the principal articles of commerce.

I, for one, sir, am unwilling that a tax should be imposed by the General Government upon the lands of the agriculturist, under any circumstances but those of imperious necessity. Had I, for instance, enjoyed the honor of a seat in this House during the late war, carried on, be it remembered, at the expense of millions, and to the bankruptcy of the Treasury, for the protection of our commerce and seamen, and the maintenance of our indispensable rights on the ocean—those rights which could not have been abandoned without a virtual surrender of the national independence, and that commerce which would have ceased to be, or at best would have dragged on a miserable existence, fed, not supported, by the crumbs which might have fallen from the table of our adversary, if commerce, in that hour of her peril, had been "left alone to regulate herself;" to nerve the arm of the Government on such an occasion, and for such objects, I would have voted for a tax on the lands of the cultivator; but on no light, or trivial, or ordinary occasion, would I do so.

I am, Mr. Chairman, in favor of the bill upon your table, and of course opposed to every motion which seeks to effect its destruction; because I believe that, while it would not injuriously affect the commerce of the country, in which every class of our citizens, whether immediately engaged in commercial pursuits or not, is deeply interested, it would, at the same time, afford protection and encouragement to some of the most important branches of domestic manufactures; those for which we possess an abundance of the raw material, or the capacity for producing them to any extent. But, more especially, I am in favor of the bill, because, to me it seems manifest that it would strongly tend to relieve the embarrassments, and promote the prosperity of that class which embraces within its scope the great body of the active male population of the country, (I mean the agriculturists,) by creating a home market for a considerable portion of the surplus productions of the soil, which the European nations, at length released from the calamities of war, can furnish for themselves, and which (with the exception principally of rice, cotton, and tobacco) they, therefore, do not receive in exchange for their fabrics, with which our markets are glutted by them, beyond the measure of our ability to pay; thus making us their debtors to a fearful amount, paralyzing the national industry, and prostrating the independence of the country.

The encouragement of the manufacture of wool alone, by some proper provisions, could not, I think, fail to be beneficial to the American farmer, by enabling him profitably to stock his otherwise unproductive waste lands with sheep, to say nothing of the employment which it, together with the encouragement of other of the more important branches of manufactures, would furnish to many of our citizens, now struggling with want, and of the manufacturing skill and capital which would probably be attracted by them from countries beyond the Atlantic. I cannot agree with those gentlemen who entertain the opinion, that the considerations which have been urged by the friends of the national industry, in favor of the policy of protecting and encouraging it by legislative enactments, and of its tendency to advance the independence of the country, are mere idle declamation.

In one sense it is true, sir, we are already independent. There is no power on earth that has the right to control us but ourselves. Thanks be to God, and to the virtue and valor of our fathers, we no longer owe allegiance to any foreign Government; but, as free and independent States, have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. Yet, sir, I have been induced to believe there is some soundness in the position, that no nation can be really and practically independent without the ability to furnish, from her own internal resources, not every article, the consumption of which either habit or caprice may have rendered in a degree necessary or desirable, but the essential articles of food, of clothing, and the means of defence. It has been asserted that, during the late war, our Government was compelled, by the necessity of our situation, to be a little blind to the practice of smuggling, in order to obtain the means of clothing our gallant soldiers, who were engaged in fighting the battles of our country in the field.

I readily admit, Mr. Chairman, that, in attempting to anticipate the effects likely to result from the provisions of the bill before us, my conclusions may be erroneous. But, having exercised my best judgment in relation to the probable consequences of those provisions, and having heard the opinions of some gentlemen, whose discernment and experience are entitled to confidence, I do not anticipate that a diminution of the revenue will be found among their number, to induce the necessity of resorting to a system of direct taxation to supply the deficiency. When direct taxation shall come upon us, it will not, I think, be the result of the provisions of this bill. On the contrary, I entertain a confident hope and belief—an opinion, if you please—(for it cannot be ascertained by precise calculation,) that the revenue will, under its operation, be at least as great in amount as it is likely to be in the event of the rejection of the bill, and that the diminution which might otherwise ensue, in consequence of a decreased amount of imports, if that shall be found among its effects, will be amply supplied by the increased rates of some of the duties proposed. Not intending to detain the Committee by an examination of all the principal items of the bill, with a view to their effect upon the revenue, I beg leave, in reference to this part of the subject, briefly to advert to one or two of them. Silks are principally consumed by the more wealthy classes of the community. The value of this article, imported into the United States during the year which ended on the 30th September, 1823, (as appears by the last report from the Treasury Department, of the commerce and navigation of the United States,) was upwards of six millions and a half of dollars. The bill proposes an increase of the duty on silks, from fifteen to twenty-five per cent. ad valorem; and as it may, I think, be fairly assumed that the additional duty of ten per cent. will not materially diminish the consumption, the revenue will be benefited, and the burden (if any) will fall, not on the poor, but on the more wealthy classes of the community. The same observations may be applied to fine linens, and other items contained in the bill.

If, Mr. Chairman, Congress shall continue to withhold from the industry of this nation a due portion of that protection which the most enlightened and prosperous nations of the European world have thrown around their own, instead of alarming ourselves at the spectre of direct taxation, supposed to lie in ambush behind the provisions of this bill, will it not, I ask, become us to "gird up our loins," and prepare to wield the burden with what grace we can? We were told by a gentleman from New York, in the course of this debate, that the estimated amount of the revenue for the current year is less, by about two millions of dollars, than was the revenue of the preceding year. To what cause is this falling off to be ascribed? It cannot well be attributed to Tariff legislation, seeing that the Tariff has not been revised since the year 1816. I know it has been ascribed to the fluctuations of trade, and we are told that the revenue of one year cannot be expected to be precisely the same, in amount, with that of another. It may, perhaps, be owing to this cause, but I fear that the diminution is chiefly to be attributed to a cause of deeper interest to us than the accidental fluctuation of trade; I mean, a decreased ability of the nation to pay for and consume articles of foreign production, on the consumption of which the revenue principally arises.

If the ability of this nation to contribute to the wants of the Government, or, in other words, to pay for and consume merchandise imported from abroad, is gradually lessening under the operation of our present course of policy, (as I believe the fact to be,) the revenue which depends upon consumption must likewise decrease; and as the wants of this, like those of every other Government, are imperious, and must be supplied, internal taxation would seem to be the necessary final consequence. On the other hand, if the wealth and prosperity of the nation shall be increased, by the encouragement of national industry, (as I doubt not they would be,) her ability to purchase and consume imported commodities, such as cannot be produced in sufficient quantities at home, will also be increased, to the advantage of the revenue; and if internal taxation, in any shape, should then become necessary, in consequence of extraordinary occurrences, the burden will be lighter, in proportion to our increased ability to endure it.

Is it not, Mr. Chairman, as deplorable as it is true, that we have for years escaped the clutches of the tax gatherer, by the expedient of loans, to which we have been compelled by our necessities to resort, for the humiliating purpose of enabling the Government of this young and enterprising nation, occupying a country on which nature has shed her bounties with a lavish land, to defray its expenditures; and that, too, during a period of profound peace, and when our military and naval force has been reduced to the level of a peace establishment?

It is said that the condition of the country does not require the species of legislation contained in this bill; that the country is now in a prosperous situation; that of late the revenue has improved, and is now in a flourishing condition; and that there is a considerable surplus balance in the Treasury.

In relation to the balance in the Treasury, the fact is as has been asserted. But have we substantial reason to believe that this state of things will continue? Does the present condition of the Treasury afford conclusive evidence of the general prosperity of the country? Is it not true that, under a system like ours, which derives its revenue principally from duties collected on imports from abroad, the Treasury may flourish for a short and delusive period, by the very means which are gradually exhausting the resources, and undermining the prosperity of the country?

The hectic flush that mantles the cheek of the invalid, may resemble the vivid glow of health; but it serves, in reality, only to indicate the secret disease which corrodes within, and gradually exhausts the vital powers. If, Mr. Chairman, we improvidently suffer ourselves "to live beyond our means;" if we annually purchase articles of foreign production, greater in amount than the amount of our current resources, as I have been induced to believe is the case with us; even this state of things may endure, perhaps, for a series of years, and for the time the Treasury may be replenished; but shall we not, by such means, be gradually exhausting our capital, accumulated in more prosperous times, and sinking into debt? I think we shall. These ills, it is admitted, may ultimately find their own remedy, and regulate themselves; but not, I fear, until we shall have been taught the error of our ways in the school of dear-bought experience, and suffered under the lash of protracted adversity.

I do not pretend, Mr. Chairman, to be very conversant with the works of European writers on the subject of national economy; it is said, however, that all those of good repute among them, who have written within the last twenty years, have uniformly condemned the policy proposed by the bill upon your table; and yet, sir, we know that, while the European nations are exporting for our use the theories of political economy recommended in the books of their writers, the wise, the sagacious, the experienced statesmen of those very nations, are practising upon different principles at home—the principles involved in this bill.

Such is the case with nations under almost every variety of circumstances. Such is the case with England, possessed of numerous colonies, and with Prussia, having none. Such is the case with Russia, having, like ourselves, a sparse population, and an almost boundless extent of uncultivated territory, and (omitting the mention of others) such was the policy adopted by Spain, at the era of her short-lived political regeneration. It has been said, Mr. Chairman, that the principles of our Government, the genius of our institutions, and the character of our population, are so widely different from those of the European nations, that their example furnishes not a fit model for our imitation. In relation to their forms and principles of Government; their wars, generated by avarice or ambition, and followed by their train of never-failing evils; their prodigal expenditures profusely lavished upon objects unconnected with the welfare of the State; I agree that their example is contagious, and ought studiously to be shunned. But, while intent on avoiding the evil, it would be unwise if we should refuse to avail ourselves of the lights of their experience, or disdain to imitate them in the practice of those principles of political economy, which their experience has demonstrated to be sound, and by the influence of their salutary operation at least greatly instrumental in redeeming, within the compass of a comparatively short period, the desolating effects of the wars and calamities of many years. In this we should not disdain to imitate them. Rome, in the plenitude of her power, when she stood the triumphant mistress of the world, did not disdain to stoop from the eminence on which she stood, to take lessons in the arts and sciences, and learn wisdom from the nations she had subdued.

I confess, Mr. Chairman, I am unable to comprehend how it can happen, that the course which the experience of other nations has for ages approved, which has had at least a principal agency in enabling them to endure the enormous burdens of taxation to which they have been subjected—if not in conducting them to power and wealth—is to prove ruinous and destructive to us. At all events, I am unwilling to abandon the safe and beaten path which the finger of experience has pointed out, to pursue the theories of speculative foreign writers, whose doctrines and opinions are at variance, not only with the practice of their own Governments, but also with the principles inculcated by many, if not all, of the most distinguished of our earlier statesmen.

The opinion of Say, Ricardo, Lowe, and others, having been arrayed against the policy of the bill before us, it may not, perhaps, be deemed useless to direct our attention, for a few moments, to the writings of American statesmen, whose opinions we have been accustomed to regard with deference, and who were possessed of the important advantages of an intimate acquaintance with the condition and circumstances of our country, and the genius and character of its inhabitants. The opinion of Alexander Hamilton is well known to have been decidedly in favor of the policy of affording protection and encouragement to domestic manufactures, and it will not be denied, even by those who were politically opposed to him, that he possessed a most powerful and discriminating mind.

We have been told by this statesman, "that 'the uniform appearance of an abundant specie, 'as the concomitant of a flourishing state of man'ufactures, and of the reverse, where they do not 'prevail, afford a strong presumption of their favorable operation on the wealth of a country;" that, "not only the wealth, but the independence and security of a country, appear to be materially connected with the prosperity of manufactures; and that every nation, with a view to these great objects, ought to endeavor to possess, within itself, all the essentials of national supply, which comprise the means of subsistence, habitation, clothing, and defence."

I find, Mr. Chairman, in the works of the same distinguished individual, certain passages, connected with the subject of the present discussion, embracing opinions so strongly verified by the experience of this nation, and so clearly descriptive of the advantages which the friends of the bill anticipate as likely to result from it, in favor of the agricultural class of the community, that I beg leave to recall them to the recollection of the Committee.

"There appear," says he, "strong reasons for regarding the foreign demand for the surplus of American productions, as too uncertain a reliance, and to desire a substitute for it in a domestic market. The restrictive regulations which, in a foreign market, abridge the vent for the increasing surplus of our agricultural productions, serve to beget a desire that a more extensive demand for that surplus be created at home. To secure such a market, there is no other expedient than to promote manufacturing establishments. Manufacturers, who constitute the most numerous class, after the cultivators of the land, are, for that reason, the principal consumers of the surplus of their labor." "This idea of an extensive domestic market, for the surplus produce of the soil, is of the first consequence. It is, of all things, that which most effectually conduces to a flourishing state of agriculture."

Mr. Jefferson, in treating of the subject of duties on foreign productions, and particularly those of the nations who impose high duties upon, or exclude our own, has said, "that such duties, having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come into these States;" and that "the oppression of our agriculture in foreign parts, would thus be made the occasion of relieving it from a dependence on the counsels and conduct of others, and of promoting arts, manufactures, and population, at home." "To be independent of the comforts of life," says this illustrious statesman, (who certainly was not tainted with British prejudices,) "we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. Experience has taught me, that manufactures are as necessary to our independence as to our comfort."

The President of the United States, at the opening of the present session of Congress, has expressly recommended "a review of the Tariff, for the purpose of affording additional protection to the articles which we are prepared to manufacture, or which are more immediately connected with the defence and independence of the country."

In venturing, Mr. Chairman to express the opinion which I entertain, that it is the interest of the growers of cotton—that most important article of our produce—to encourage its domestic consumption, I may be told that the planters themselves, with a better understanding of their own particular interests than I perhaps can lay claim to, and having a market abroad, are averse to the policy by which that object might be accomplished.

But, what is the state of the foreign market for this staple? Is it not true, that while the demand for it has increased in the European markets, the price of American cotton has declined within the course of a few years, to less than eight pence sterling a pound; and that a still further decline (notwithstanding occasional variations of price) is seriously to be apprehended? I believe the facts are so. This effect, it is presumed, has been produced by the overstocking of the markets, occasioned, in part, by the increased amount produced in and exported from our country, and, in part, by the increased quantities with which the European markets are supplied from the East and West Indies, from Egypt, and the Brazils. By a statement said to be derived from the Liverpool merchants, it appears that the imports of cotton from the latter country into Great Britain, for the last six years, were—

In 1818 - - - - -	180,157 bales.
1819 - - - - -	155,130 "
1820 - - - - -	179,805 "
1821 - - - - -	121,777 "
1822 - - - - -	144,168 "
1823 - - - - -	148,614 "

The imports from the East Indies, during the same period, are stated as follows:

In 1818 - - - - -	245,672 bales.
1819 - - - - -	184,633 "
1820 - - - - -	57,183 "
1821 - - - - -	30,095 "
1822 - - - - -	19,263 "
1823 - - - - -	38,393 "

From the West Indies, &c., during the same period—

In 1818 - - - - -	55,177 bales.
1819 - - - - -	30,339 "
1820 - - - - -	31,576 "
1821 - - - - -	37,886 "
1822 - - - - -	39,875 "
1823 - - - - -	33,262 "

Egypt, under the auspices of her present enterprising Pacha, is becoming a cotton-growing country. Her soil and climate are well adapted to its cultivation. By commercial letters lately received in this country, and published in our gazettes, it appears that Egyptian cotton, in considerable quantities, has already found its way to the European markets, where it is said to be coming into successful competition with our cottons of the Sea Islands and of New Orleans. One of the letters alluded to, (written from Marseilles to the editor of the Paris Journal du Commerce, and dated in December, 1823,) holds the following language:

"It is now four years since M. Jumel, a Frenchman, conceived the idea of introducing the cotton

plant into Egypt from Brazil. The experiment completely succeeded. The Pacha ordered the plants to be propagated as fast as possible, and upon the most extensive scale. In the second year the culture produced nearly 100,000 killogrammes, (320,000 lbs.,) in the third year twenty times as much, and now, in the fourth year, at the moment of my writing, there are in the Lazaretto of Marseilles 4,000 bales, equal to 600,000 killogrammes, which are ready for the manufacturer. The Lazarettoes of Leghorn and Trieste contain about the same quantity we have here; and letters of the highest authority say that the entire crop will exceed 5,000,000 killogrammes, (about 40,000 bales.) We can place no limits to the future increase of this plant; the Pacha has it cultivated high up the Nile."

"The quality of this cotton, which is of the long staple kind, is excellent; when it obtains a little more whiteness in color, and is better handled, it will entirely supersede Louisiana and Pernambuco cottons. It is probable that our manufacturers will give it the preference, more especially on account of the low price to which the abundant crops will reduce it. What will be the effect of this upon our commercial relations with the United States?"

It is, I think, fairly to be presumed that Mexico, and the vast and fertile regions which composed the late Spanish colonies in South America, will, at no distant period. produce cotton in great abundance; and that Europe will, without regard to our course of legislation, receive from these, and other foreign sources, large quotas of her supply. The consequence in relation to the United States is obvious. If, then, the foreign market for our cotton is deteriorating, in consequence of causes which it is impossible for us to control, and which seem to partake of a permanent character, I ask the representatives of the cotton-growing States, (and I do so with all the diffidence which becomes me,) whether it is not their true interest to lend their influence in favor of a policy which must result in an increased consumption of the article at home?

As to the present extent of the domestic market for our cotton, I have not been fortunate enough to obtain a statement, which is entirely satisfactory to myself. The quantity used in our manufacturing establishments has been variously stated. The annual domestic consumption of this great staple of the South, may probably amount to about 30,000,000. The town of Paterson, in New Jersey, which contains twelve cotton mills, and about 18,000 spindles, has manufactured (according to information furnished me by gentlemen of intelligence residing there) 1,200,000 pounds a year, for the manufacture of which the annual sum of about $250,000 has been paid in wages.

In connexion with this part of the subject, I take occasion to remark, that, among the effects which, in my judgment, are likely to result from the policy of the bill before us, may be numbered the acquisition of a new foreign market for our cotton—not as a raw material, but in manufactured form, and that in regions well adapted, by the nature of their own soil and climate, for its abundant production. I mean those interesting countries on the continent of South America, now happily released, by the achievement of their independence, from the domination of Spain; and from the shackles, for centuries imposed upon them by her jealous policy, which crushed the spirit of their industry, and sought to confine their commerce to herself alone. These countries are just beginning to breathe, after the calamities of a protracted and sanguinary war; the bird of peace is scarcely yet seen to hover over its subsiding billows; their civil institutions are yet to be perfected and consolidated, and a series of years must necessarily elapse before they can become, to any considerable extent, manufacturing nations. The principles and forms of government which they have adopted, are congenial to our own; we were the first to acknowledge their independence, and it is reasonable to presume that we shall stand with them on the footing of the most favored nations, in relation to commercial intercourse.

An apprehension seems to be entertained that, in the event of the passage of the bill, the manufacturers will be enabled, by the monopoly which it is supposed will be secured to them, to exact from the good people of this Union exorbitant prices for their productions.

This apprehension, I feel confident, can never be realized. The true interest and the policy of the manufacturers alike forbid it; and, if this were otherwise, it will not be in their power to extortionate. They are charged with having done so during the late war, when foreign importations had, in a great measure, ceased; but it cannot be difficult, I think, to show that this charge had its origin in error.

The price of an article will, in general, depend upon its quantity in the market, compared with the extent of the demand for it. If, during the period alluded to, our manufacturing establishments had been annihilated, the supply of manufactured articles would have been greatly diminished, and the prices proportionably enhanced; the domestic supply, therefore, operated to keep the prices in check, and probably benefited the people of this Union to the amount of many millions. Experience, I believe, will warrant the assertion, that protection to the domestic manufacture of an article has generally, if not invariably, had the effect of producing it, abundant in quantity, improved in quality, and, as the result of competition among the manufacturers themselves, reduced in price. As examples of this result, the articles of coarse cottons and cut nails have been frequently adduced. The article called plains, or negro cloth, which is principally used, in the South, may be added. The European article, composed of wool, was formerly sold at seventy-five cents a yard. The American manufacturer produced the negro cloth, of cotton and wool, and foreign plains fell to twenty-five cents. The American article, superior to the foreign, may, at this day, be purchased (as I am informed) for twenty-eight cents the yard, though the planters of the South are probably in the habit of paying a higher price, in consequence of the profits accumulated upon it, by successive dealers, through whose hands it passes to them.

The growers of cotton and tobacco have, at this time, I believe, the monopoly of the domestic market for those articles. Not a spindle nor a shuttle in the cotton manufacturing establishments of the North can be put into operation, without the raw material, the cotton of the South. Of this I do not complain, nor have I learned that extortion has ever been practised by the South in consequence of it; on the contrary, I rejoice that our own country can furnish our own supply of these important articles; that we are not dependent on foreign nations for them, and that a very numerous and respectable portion of our population is benefited by their production.

It was my intention, Mr. Chairman, to have presented other views of the subject, and to have attempted a reply to several of the charges which have been exhibited against the principles of the bill now "upon the country" for its trial; but its more able advocates who have preceded me in the debate having rendered the attempt, in a great degree, unnecessary, I will briefly notice a few of them.

It has been objected that, by the passage of the bill, we shall commit a violation of the Constitution of the Union, which we are bound, by our duty, and our highest interest as citizens, as well as by our official oaths, to maintain inviolate. This objection bears an aspect of the most formidable character. Its effort is to lay the axe at once to the root of the bill before us, and to effect, not only its destruction, but, so long as the Constitution thall remain unaltered, to deny to the General Government the power of protecting the industry of the country, by similar legislative enactments, at any future period. If, however, this objection be well founded, it merits, beyond all dispute, the attainment of its object. The supposed violation, if I have correctly comprehended its nature, is to consist, not so much in overt act as in intention. You may (says the objection) constitutionally pass a bill imposing duties on imports, provided it be done with the sole view and intention of raising a revenue; but, if you intend by its enactment to protect and encourage the industry of the country, and impose duties adequate to the accomplishment of that end, the whole character of the act is changed, and it degenerates into a violation of the spirit of the Constitution.

This mode of interpreting the Constitution, in my judgment, has in it too much of subtlety and refinement to be just, and cannot be sustained by the provisions of the instrument itself; these provisions are too familiar to every member of this Committee to need a recital. It is not the interpretation practically given to them by the Congress of 1789, which sat shortly after the adoption of the Constitution, and was, if I mistake not, composed in part of the same distinguished statesmen who had been members of the Convention which gave it birth.

The preamble of the act of Congress, passed in the year 1790, for passing duties on goods, wares, and merchandise, imported into the United States, refers to the act of 1789 on the same subject, and informs us that the duties imposed by the latter act were laid, not for the purpose of revenue alone, but "for the discharge of the debts of the United States, and the protection and encouragement of domestic manufactures." If, therefore, the construction of the Constitution, contended for by the opponents of the bill, be correct, the passage of the act of 1789, for the purposes, and with the intention which it distinctly avows, involved in it a violation of the charter of our liberties, and we must be driven to a conclusion which I am unwilling to admit—that that venerable Congress, as it has justly been termed, did not comprehend the true meaning and construction of the instrument, which many of its members had been instrumental in framing.

It has been objected, that extensive manufacturing establishments are the fruitful nurseries of vices and crimes; that that portion of the population of a country, which "inhales their pestilential atmosphere"—I use the language which has been used in this House—feeble and decrepit in body, and deformed in mind, are reduced to the level of slaves; that they are unfit to breathe the pure air of freedom, and are both morally and physically incapable of defending their country in the hour of danger.

This picture is highly colored, and would probably have produced an impression on my mind unfavorable to the policy of the bill, had I not availed myself of the frequent opportunities, which circumstances have afforded, of seeing and judging for myself.

How far the representation may be applicable to the establishments of other countries, where the principles of freedom do not prevail; where the debasing influence of oppression pervades the whole mass of the population, with the exception of the privileged few; and where the people are bowed down beneath a weight of taxation, I pretend not to determine; but, in relation to the establishment of our own country, so far as my observation has extended, it is erroneous.

I could point the attention of gentlemen to the Ramapo manufacturing establishment in the State of New York, of which a member of the last Congress is a part proprietor—to establishments at Paterson, in New Jersey, and others, as signal refutations of this objection. Though often languishing under the want of adequate protection, to my eye they have not presented the loathsome and disgusting spectacle of disease and crime, but the pleasing scene of well regulated industry.

It may, perhaps, be true, sir, that some portion of the population, employed in the manufacturing establishments, are not so well qualified as those whose pursuits have rendered them more hardy and athletic, to wield the arms of the warrior; but they can, and will perform the not less important and essential service of clothing him in the field. It is well known that the greater number of hands employed in our cotton manufacturing establishments are women and children; many of whom, doubtless, would otherwise be idle; and thus become the certain victims of those vices which idleness never fails to generate.

The objection to manufacturing establishments, which I have just noticed, would apply, with greater force, to our commercial cities. Amid the vast variety of advantages which the nation derives from them, as the emporiums of our commerce; their numerous institutions for charitable and benevolent purposes, and for the promotion of science and the arts; is it not true, that they are also the great theatres of luxury, effeminacy, and disease, and may I not add, of vices and crimes; that a portion of their population, from the nature of their pursuits, have less of physical ability to bring to the defence of the country, in the hour of danger, than is to be found among the more hardy and intrepid cultivators of the soil? And yet, I presume, the individual is hardly to be found who would wish to check the growth or mar the prosperity of our cities.

Finally, Mr. Chairman, believing, as I do, that the encouragement of domestic manufactures is our true policy; that it is even now required at our hands, by the deliberate wishes and expectations of a decided majority of the citizens of this Union; I cannot forego the hope that the motion of the gentleman from Tennessee, which is aimed at one of the most important provisions of the bill, will not prevail; and that the bill, either in its present form, or properly modified, without destroying the efficacy of its character, will receive every necessary sanction, and become a law of the land.

When Mr. Cassedy had taken his seat—

On motion of Mr. Carter, the Committee rose, and the House adjourned.

Monday, April 5.

Mr. Kent presented a memorial of divers inhabitants of the City of Washington, in opposition to the change proposed to be made in the system of government of the District of Columbia, by the bill now pending before this House, to provide for the government of the District of Columbia; which was referred to the Committee of the whole House to which the said bill is committed.

Mr. Cobb presented a memorial and remonstrance of the Senate and House of Representatives of the State of Georgia in General Assembly met, upon the subject of the execution on the part of the United States of the articles of agreement and cession entered into between the United States and Georgia, on the 24th April, 1802, and asking that a liberal appropriation may be made for the extinguishment of the Indian title to all the remaining lands within the limits of the State of Georgia, and that Commissioners may be appointed, with instructions, in every event, to effect this indispensable object by a proper representation to the Indian tribes of the just claims of Georgia, the solemn obligations of the United States, and of the improvement in their own condition, which will result from their acquiescence; which memorial and remonstrance was referred to the committee appointed on the 30th ultimo, on a Message from the President of the United States in relation to the same subject.

Mr. Moore, of Kentucky, presented a memorial of the trustees of the Kentucky institution for the tuition of the deaf and dumb, praying for aid to enable them to fulfil the objects of their incorporation, which was referred to a select committee; and Mr. Moore of Kentucky, Mr. Sterling, Mr. Tyson, Mr. Campbell of Ohio, Mr. Blair, Mr. Wickliffe, and Mr. Long, were appointed said committee.

The Speaker presented a memorial of John Cleves Symmes and Thomas S. Hinds, of Newport, in Kentucky, praying that provision may be made for occupying the territory of the United States lying between the Rocky Mountains and the Pacific Ocean, and suggesting the propriety of incorporating a company with the exclusive right to trade with the Indians, as the best means to effect that object; which petition was referred to the committee appointed to inquire into the expediency of occupying the mouth of the Columbia, or Oregon river.

Mr. Francis Johnson, from the Committee on the Post Office and Post Roads, reported a bill to discontinue certain post roads and to establish others; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. McLane, of Delaware, from the Committee of Ways and Means, made a report on the petition of Warder and Brothers, accompanied by a bill for the relief of the legal representatives of Fry and Spalding; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. McLane, from the same committee, who were instructed, on the 27th of February last, "to inquire into the expediency of making an appropriation to compensate the friendly Creek Indians for property lost and destroyed during the late war," made a report adverse to the making the said appropriation; which report was laid on the table.

Mr. McLane, from the same committee, to which were referred the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824," made a report thereon, and the amendments were committed to a Committee of the Whole.

Mr. Forsyth, from the committee appointed on the Message of the President of the United States, of the 30th ultimo, in relation to Indian lands within the State of Georgia, by leave of the House, reported a bill making further appropriations for the extinguishment of the title of the Creek Indians to lands lying within the State of Georgia; which was read twice, and committed to a Committee of the Whole.

Mr. Tracy, from the committee appointed to inquire what further legislative provisions are fit and necessary to carry into effect the provisions of the act of Congress, passed March 3d, 1817, entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes, passed the 9th of April, 1816," made a report, in detail, accompanied by a bill further to amend the said act; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. ALLEN, of Massachusetts, called up the consideration of the resolution offered by him some days since, for fixing the time of the adjournment of this House, and the question on considering being taken by yeas and nays, the votes were, yeas 94, nays 90. So the House agreed to consider the resolution.

Mr. ALLEN moved to fill the blank with "Monday, the third day of May, 1824."

Mr. TOD moved, as an amendment, to fill the blank with the 20th day of May.

Mr. EDWARDS adverted to a fact which occurred at the last session—that, before the time of fixing the day of adjournment, but few acts were passed, while afterwards a great many, and of the most important character, passed the House within a short time.

Mr. FORSYTH made some explanations in reply to Mr. EDWARDS.

The debate was superseded by the SPEAKER passing to the orders of the day.

NAVY APPROPRIATION BILL.

The House resolved itself into a Committee of the Whole, Mr. TOMLINSON in the Chair, on the amendments proposed by the Senate to the bill making appropriation for the support of the Navy. The first question was on concurring with the Senate in striking out the specification of the items of expenditure of the fund for contingent expenses of the Navy.

After some observations by Mr. MCLANE, explanatory of the history and intention of this clause of the bill, the House resolved to disagree with the Senate in the amendment to strike out; by which resolution, they retained the clause of specifications, (originally moved in the lower House by Mr. McL,)

The question being next on agreeing to the Senate's amendment striking out the sum of $180,000, (moved in the House by Mr. COCKE,) and reinstating the sum of $225,000, (as first reported by the Committee of Ways and Means,)

A debate occurred, in which Messrs. FORSYTH, RANDOLPH, COCKE, WARFIELD, and FLOYD, opposed, and Messrs. MCLANE and FULLER advocated the amendment—and the question being put, on disagreeing with the Senate, it was carried, ayes 89, noes 62—so the House refused to reinstate the sum of $225,000, and left the blank filled with $180,000.

The next, the question upon the Senate's second amendment, which provides for a small purchase of land near the navy yard, at Charlestown, Massachusetts, was agreed to with the following amendment, proposed by Mr. RANDOLPH, viz: adding after the word "purchase," "by and with the consent of the Commonwealth of Massachusetts." The remaining amendment of the Senate was agreed to without debate—when the Committee rose and reported the disagreement of the Committee of the Whole to the first amendment—its agreement to the second, with an amendment, and its agreement to the third.

The House concurred with the Committee, and the bill was returned to the Senate.

THE TARIFF BILL.

On motion of Mr. TOD, the House then went into Committee of the Whole, on the bill "to amend the several acts laying duties on imports," Mr. CONDICT in the Chair.

Mr. ISACKS modified his motion of Saturday, for striking out the minimum on cottons, so as to leave the present minimum untouched, viz: by inserting 25 cents instead of 35 cents, as the minimum valuation.

Mr. CARTER, of South Carolina, rose and said, it was with much reluctance he had prevailed on himself, at this advanced stage of the discussion, to ask the attention of the Committee. The length of time that the proposed measure had been the subject of inquiry and speculation, not only within these walls, but throughout the nation; the great talent and research that have been exhibited upon its diversified bearings, have been such as to leave scarcely any thing new to be brought to the discussion.

After making this statement, it might be thought necessary by some that he should make an apology to the Committee for obtruding upon them the few remarks which he proposed to make. If there were any who entertained such an opinion, the only and the best excuse which he could offer them, would be found in the peculiar importance of the subject to the whole American people, and the special and vital interests of the Southern section of this Union, which it was apprehended would be injuriously affected by its operations.

The space which the present bill covers, the variety of items which it embraces, expose it to a multitude of objections of different degrees of force, according to the particular provisions which may be opposed. And I confess that the provision now proposed to be stricken out, is freer from objection than some other provisions of the bill. But, as gentlemen who have supported, as well as those who have opposed the motion now before the Committee, have thought it a fit occasion to give their general views of the policy of the whole measure, Mr. C. said he hoped the Committee would pardon him for imitating their example.

It is admitted on all hands to be a wise maxim of legislation, that no change ought to be made in any existing law, unless the reasons for that change be strong, general, and evident. Whether such reasons are to be found in support of the proposed measure, I appeal to those who are acquainted with the best interests of this Republic, and its present actual condition, to say. Will any one pretend to assert that there has been so universal and unequivocal an expression of public opinion on this subject as to leave no room to doubt of its being the nation's will? True it is, sir, that loud and importunate complaints have reached us from various quarters of the country. From one quarter we hear a pressing outcry for protection to the manufacturers of wool, and for the encouragement of the growth of the raw material at home; from another quarter we are importuned to assist the petitioners in their unequal competition with the manufacturers of glass ware from abroad; from a third quarter we are told that the growers and manufacturers of hemp are laboring under the most unpardonable neglect of Government, and that, in consequence of it, industry is languishing, and capital unemployed. Thus it is, that all these various and distinct interests, scattered over an immense face of country, are simultaneously putting forth their complaints and collectively produce a deep tone of remonstrance. Each one is stimulated by a belief that theirs is a case of peculiar hardship, requiring the special interposition of Congress. But to any one who will attentively examine the sources from which these complaints come, the task cannot be a difficult one of ascertaining the true weight to which they are entitled. Can any one, who will thus examine them, mistake them for the individual voice of the whole American people fairly and deliberately expressed? Are they not rather to be regarded as the interested importunities of certain classes of individuals or of sections of the country, who are determined to make up for their deficiency in numbers by the loudness of their complaints? They are echoed by gentlemen who seem determined to give the appearance of general distress to the country, by the very generality of the terms they use, and the urgency with which they press them upon the public consideration.

The maxim in legislation to which I have before alluded, derives additional force from the consideration, that, of all classes of laws, those which interfere with the industry of the different laboring classes of a community ought, above all others, to be enacted with great caution and circumspection. The tendency of the law now in question is directly of that description. And why ought laws of this description to be ventured upon with so much caution? Because, past experience, as well as daily observation, teach us that there is such a multitude of opposite and conflicting interests to be consulted and accommodated, such a mass of jealous feeling to be neutralized by all such regulations, that it is next to impossible to adopt such a course as will secure the object intended by the Legislature. In all such cases, after a clear and imperative necessity has demonstrated the expediency of doing something, the extreme difficulty of doing that something in the way that will attain the end you have in view, without bringing with it many collateral evils, is such as ought to induce every wise politician to hesitate long before he acts. The manufacturing, the commercial, and agricultural interests of every community are so intimately connected and vitally intertwined, that whatever affects one extends its effects to all of them. What is intended for the benefit of one of them, sometimes operates in an inverse ratio to produce mischief to the others; and examples are to be found where regulations designed to promote either of these great sources of national as well as of individual wealth, have produced consequences which were at first wholly unforeseen, and brought disorder and mischief on the whole system of the industry of a country. And shall we then, sir, with a full knowledge of all the possible evils that may result from such legislation, with so many circumstances admonishing us to beware, advance rashly on the experiment? And shall we, with the partial evidence of its necessity, which has been shown, boldly hazard the result? For one, said Mr. C., however visionary my fears may be on this subject, I must confess I am not prepared for such a trial.

The more, said Mr. C., I contemplate the proposed measure, the more sensibly am I impressed with its intrinsic difficulty. That there are cases of real hardship existing in some parts of the country, cannot in candor be denied. But you will look in vain through the country for that wide-spread and intense distress of which some gentlemen have spoken.

That the contemplated increase of duties which some politicians regard as the certain means of relief, as a kind of political catholicon, will not, in its operation, produce in some parts of the country a greater portion of alternative misery than it will cure in others, is what the friends of this measure cannot safely affirm. The great difficulty is to pursue that wise and middle course, which, while it affords adequate protection to the manufacturing, does not cripple or prostrate the agricultural or commercial interests of the country. For, Mr. C. said, notwithstanding his opposition to the present measure, he must be permitted to declare, in the sincerity of his heart, and without the slightest reservation, that there is no friend to it who felt a higher and juster pride in the prosperity of the domestic manufacturers of this country, or a more anxious solicitude for their ultimate complete success than he did.

I have said that the country, in some parts of it, exhibits cases of great hardship. It is due to truth and candor that this admission should be made.

The farmer of the grain-growing States will tell you that he has large annual surpluses of grain, which he is doomed year after year to see rot and perish on his hands. That it is to no purpose that he applies himself to the diligent cultivation of a fruitful soil; that each return of autumn finds his barns filled to overflowing with abundance, but that it is all useless, nay, worse than useless to him; for his well-stored barns stand continually before his eyes, as tormenting memorials of his own labors frustrated, and the bounty of his fields most cruelly wasted. He may represent his labors as equalling, in their fertility and vexatious disappointment, the fabled toils of Sysiphus himself. The deplorable accuracy of such a picture will not be disputed. Nor can any one turn away from the contemplation of such a picture, without first bestowing upon it that tribute of his consideration, as well as of his sympathy, which it so well deserves.

It is quite natural that in any portion of the community where distress is sorely felt, where the ordinary stimulants to industry are very much diminished, or wholly withdrawn, that the individuals who experienced this inconvenience should seize with avidity upon any expedient which, by possibility, among its various contingent results, might contribute to their relief. While they contemplate the reality and extent of their suffering, they are easily cheated into a belief that any measure, no matter how illy contrived, may benefit them. And how do the friends of this measure propose to remedy the evil? The only plan that has been suggested has been so to encourage the manufactures of the country, so to augment the mechanic labor of our citizens that the number of artisans should so considerably multiply and gain upon the number of agriculturists, that we should raise up, in the bosom of our own country, a sufficient number of them to consume all the surplus provisions that the cultivators of the earth could produce. In a word, that we must become our own customers, and furnish a home market for all the superfluous grain which this wide-spread fertile country can grow. Whoever will consider the vast capacities of this country for producing every species of grain, in the most exuberant abundance, and the vast amount of mutual labor that has been superseded by modern discoveries, in labor-saving machinery, must be satisfied that, if this result could ever take place, it must be the effect of time alone. Any attempt to legislate against nature, and to hasten, by law, that which the slow progress of years can alone effect, would at least be vain, if it did not actually retard the very object you professed to accelerate.

Some of the advocates of this bill seem to think that it is only necessary for Congress to grant the protection they ask, in order to insure them immediate and complete success. They seem to think that something magical is to spring out of an act of Congress, and that as soon as the seal of authority is affixed to their chartered privileges, all these manufacturing institutions, which in other countries have required the lapse of ages to bring them to perfection, are, on this side the Atlantic, to spring instantaneously, like Minerva from the brain of Jupiter, into a full, sudden, and perfect maturity. Any one who will attentively examine this opinion for a single moment, will not hesitate to pronounce it a perfect illusion; for, by tracing the early history of manufactures in every country, it will be found that the want of skill in the application of the capital and labor employed, has retarded their first advancement; and that complete success has been attained only after years of disappointment and disastrous experience.

The same causes, Mr. Chairman, in equal circumstances, produce the same effects every where, and at all times. But the circumstances on which these causes operate, produce as infinite a variety of modification to their results, as it is possible for the mind of man to imagine. If, then, such has been the progress of manufactures in other countries; if such has been their growth in old countries, where their population has been redundant, and the usual concomitants of that state of things, an increased cheapness of labor, and an increased demand for the ordinary necessaries of human subsistence, have had their full operation, what can we, in the nature of things in this country, expect, but a much more gradual introduction of them? It ought not, therefore, to surprise or discourage the friends of domestic manufactures, that, in the short history of them, which this country furnishes, some failures have taken place, and that in comparatively few instances has their success been complete. In the first essays of every country to introduce new systems of employment for its citizens, disappointment has always been, and must forever continue to be, the invariable concomitant of enterprise; and, in the United States, it may be unhesitatingly affirmed, that the want of entire success in our manufactories of every sort, is to be attributed to a vast variety of other causes, rather than to the sparing protection of Government.

There is one argument against this measure, which its friends are disposed to treat as visionary, which, I am persuaded, if it be rightly examined, will be found to deserve serious consideration. It is, that the effect of the bill on your table will be, to lessen the revenue. It is true that considerations of this sort have but little weight with some of the supporters of this tariff. It has been avowed, in the course of the discussion, that, if its main object, the improvement of manufactures, could be accomplished, it ought to be attempted, even at the expense of the revenue. This is the great desideratum to which every thing else must give way.

To that portion of the Committee who entertain this opinion, Mr. C. said he could not hope to urge any argument drawn from this source, with success. But he hoped that such an opinion was confined to a small portion of the friends of the bill. It must be admitted that, at this time, a large portion of the coarse imported woollens demanded by the necessities of this country, were consumed in the Southern and Western States; and it is a remark made by a very ingenious and profound writer on the nature and origin of the public wealth, (Lord Lauderdale,) that Great Britain, being, from her situation, a nation peculiarly commercial, and having extensive trading connexions with almost every country upon the face of the globe, is governed, in the cargoes which her merchants make up for distant markets, by no single circumstance more than a regard to the distribution of property to which the cargo is sent. The application of this remark to the Southern and Western States, will show, in the plainest manner, the extent of the demand which these States furnish for coarse woollen fabrics. The distribution of property in these States is, for the most part, very unequal. Much the greater portion of their inhabitants consists of the poor laboring part of the community, whose Winter clothing consists principally of coarse woollens. When you add to this number the whole of the colored population spread over nearly one-half of this whole Union, embracing a number not much, if any thing, short of two millions of souls, you have an amount of domestic consumption in this single article, by no means to be contemned in the estimate you make of the income to the Treasury from foreign imports.

But, it will be said that very object and design of the bill is to furnish these planters with these commodities, at home, in the same abundance, and on as cheap terms as they are at present enabled to purchase them from abroad. Those who make this answer, surely "reckon without their host." For, it must be evident, that, to supply the large demand which the Southern and Western States furnish, for coarse woollen fabrics, the manufactories at present in operation in this country are wholly inadequate. And, sir, if they be not so, this circumstance of itself furnishes a most unanswerable proof that they are already in a sufficiently flourishing condition, and need not any further assistance from Government. It must be assumed, then, as undeniably true, that our own manufactories are insufficient to supply the present home demand.

In still further answer to this part of the argument, it may be said, that the proposed increase of duty is so small, that it is idle to expect that so trifling an advance upon the burden already imposed, can produce such important consequences; and that the supply will still be adequate to the wants of the country, without any oppressive increase of price; that the deficiency at home will still be supplied from abroad.

Let us examine this supposition for a moment, in detail, to see whether it be true, or whether any the slightest augmentation of the present duty would not have the effect of excluding such fabrics altogether from our markets. The present taxes with which they are burdened to the purchasers, are such as barely to enable the Southern planters to purchase them, for the purpose of clothing their slaves. The extreme depression of their foreign markets has produced so much embarrassment at home, that many of them seriously deliberate within themselves whether they had not better, by some exertion of household economy, manufacture these fabrics of primary necessity within themselves, rather than purchase them at their present prices. And any one who will reflect on the facilities with which a slaveholding State may occasionally devote their labor to this object, without deducting from the average annual product of their crop, cannot be surprised to find this species of manufacture come into general use. How is it conducted? It is produced with hardly any loss of field labor. It is carried on chiefly by women, at seasons when the inclemency of the weather would prevent them from being employed in the field. And, on all large plantations, there are a number of women who, from their skill in this species of employment, their bad health, or infirm constitution, it would be found advisable to devote altogether to this species of labor. Thus, with a very trifling loss on any plantation, and on many without any loss at all, might be produced a substitute for the immense amount of coarse woollens from abroad, at present consumed in the Southern country. The same kind of revolution would take place in the domestic economy of all the poor people. How can any one, then, undertake to say, that the operation of the present measure will not produce a diminution of the revenue?

But, said Mr. C., I hear it repeated, that the proposed increase of duty is so small an advance upon that already paid, that it is futile to expect such eventful consequences from a cause so inadequate; that a slight improvement in the price of cotton, of rice, or of tobacco, will enable the growers of those articles still to consume these foreign fabrics, without feeling any additional burden.

If what has already been said on this subject be not a sufficient answer to this *coaxing douceur*, let me, said Mr. C., inform gentlemen, that the history of the world furnishes no example of the commercial or manufacturing part of a community who had any important object to subserve or promote, at the expense of some rival interest, who did not apply themselves to just such devices as the present, and employ the self-same expedients to allay the fears of those on whose interests they meditated an attack. Let me not be misunderstood. I do not mean to accuse the advocates of this bill with any fixed, deliberate purpose of subverting the interests of the Southern States. Nor do I believe that they have any wish to destroy that equilibrium which ought to pervade the industry of every well regulated Government, so that, in the confusion which might ensue, manufactures might, peradventure, be exalted on the ruins of agriculture. I should be unwilling to believe that such a spirit existed in any portion of men, in any portion of this country. But, sir, the extreme subtlety with which such a spirit operates, the insensible influence which it exerts upon those who will not acknowledge its presence, and the thousand insidious forms that it assumes, for the purpose of accomplishing its object, might induce some gentlemen to look well to what they were doing, before they gave this measure their sanction. It would, at any rate, be but a poor consolation to those who are to feel the mischief of its unequal operation, to reflect, that its authors were actuated by the most benevolent intentions; that their design was purely to benefit themselves, without any the remotest intention to injure others. If the evil happens, it matters not what motives gave birth to it, and the mere absence of malignity from the intention of those who inflict it, can never mitigate the sufferings of the victim.

Intimately connected with its diminution of the revenue, may be considered the effects of this measure upon the maritime strength of the country. Its pernicious operation, in this respect, has already been so ably delineated by the gentleman from Massachusetts, that, Mr. C. said, he felt that, to enlarge on this topic, would be an unwarrantable trespass on the Committee. But, it did appear to him, that, exactly in proportion as the effects of this measure would be injuriously felt upon our finances, they would prove discouraging to our seamen; and, shutting our eyes upon the immense proportion of our revenue derived from this source, excluding from our estimate two-thirds of the whole national income, flowing into the Treasury from our duties upon imports and tonnage, shall this Government, to favor a class of individuals who will not make the return of a single farthing to the Treasury, to compensate for the sacrifice proposed, do an act, the ultimate tendency of which will be to cripple our maritime strength? Every seaman that you deprive of his daily bread, and every merchantman that you send from your employment, inflicts an injury upon the commercial spirit and naval enterprise of this country. And is this the opportune juncture that gentlemen have selected to inflict such a blow on the naval service of their country? Have they already forgotten the numerous "deeds of noble daring," and the gallant achievements that have covered our Navy with a glory which the friends of that bulwark of our defence, trust, may be as lasting as it is unquestionably brilliant? Have they, before the sound has quite died upon their ears, forgotten that it is the dying echo of that thunder which reverberated across the Atlantic, and has dispelled the invincibility of the mistress of the ocean? Will they consent to be instrumental in bringing their country into that situation in which the verdant laurels with which their countrymen have so recently entwined the temples of our naval heroes, will wither and fade away? No! Such questions do equal injustice to the gratitude and magnanimous policy of this country. The legislative provisions of our Government speak a language on this subject, in perfect and delightful harmony with the undivided voice which is uttered from Maine to Florida.

Another danger, to which the present measure would expose this country, and one in which the Southern States have a deep and vital interest, would be the risk we incur by this system of exclusion, of driving Great Britain to countervailing measures, and inducing all other countries, with whom the United States have any considerable trading connexions, to resort to measures of retaliation. There are countries possessing vast capacities for the production of rice, of cotton, and of tobacco, to which England might resort, to supply herself. She might apply herself to Brazil, Bengal, and Egypt, for her cotton: to South America, as well as her colonies, for her tobacco; and to China and Turkey for her rice. And is there any one, who knows the vigilance and jealousy with which that nation watches over her commerce and her manufactures, who can for a moment doubt, that any measures adopted by this country, extending to either of them, would arouse her spirit, and induce her to retaliate in a manner that we should the most sensibly feel?

The merchants and ship-owners, who at present contribute so largely to the amount of our Treasury receipts, ought not, without great deliberation, to be placed under heavy burdens. The nature of the occupation of this portion of our fellow-citizens and the theatre of their enterprise are such as to exclude them from their full share of the sympathies of their countrymen. While the spirit of adventure carries them to distant latitudes, and exposes them to all the perils of the deep, they are rarely, if ever, brought to mind by their friends and acquaintances at home.

> "Their march is on the mountain wave,
> Their home is on the deep."

While far removed from the scenes of our daily intercourse, from their families and firesides, they, under an angry sky, buffet the rude storms of Winter, and hazard their lives for the treasures of other climes, which they bring to their native shores, the mass of their fellow-citizens are safe in the pursuit of less hazardous occupations at home, and never dream of the frightful dangers that surround them.

If, at any time, equinoctial storms bring fear and anxiety to the breasts of any, it is to but two classes of our people. The one of them is composed of individuals whose losses, by such visitations of Providence, may be estimated in dollars and cents. The other is composed of humbler sufferers, who, when the spirit of the storm is wailing around their dwelling, are disquieted, not for their own sakes, but for the safety of him whose enterprise feeds them with their daily bread, and whose sole dependence on him may, with him, be whelmed in one common ruin "in the deep bosom of the ocean." These anxieties are intense, but they scarcely ever transcend the small but sacred circle of the family fireside. They are unknown and unfelt by the great mass of the community.

We ought, under existing circumstances, to look with an equal, if not with a jealous and parental eye, upon the claim which this class of our people has upon the regard and protection of their Government. That prayer which its divine Author intended for the guidance of all mankind, and which says, "Lead us not into temptation," ought not to be overlooked in what we propose to do in reference to this class of our citizens. They ought not to be placed in that situation in which they should be tempted to lead themselves to the practice of smuggling. We ought to touch with exceeding great caution the interests of that portion of the community who, from the immense contributions they have already made, and from the enormous exactions which are now yearly and monthly made of them, have no reason to suppose that they enjoy a monopoly of the public favor of this country. Let us beware how we adopt a measure which, in reference to the whole of this enterprising class of our citizens, and to nearly one half of all this Union, may emphatically be said to be against public opinion. We all know the lamentable consequences which flow from a measure which thus violates public sentiment; which arrays, on the one side, our long settled habits, affections, judgments, and prejudices, if you please, against what, on the other? Nothing more nor less than your isolated, unsupported, parchment law! Experience as well as reason point to the introduction of the profligate practice of smuggling, and the general demoralizing effects of it on the mercantile community, as the twofold mischief which may be expected to be realized in this country, as the first fruits of this project. And let no one pretend to say, that the extent to which the practice of smuggling may be introduced, will not be such as will be seriously felt on our finances. Remember the strong feelings and cherished interests which the passage of this law will violate. Recollect that those feelings are deep rooted, because they spring up in the minds of those who entertain them from a consciousness that they have already contributed more than their proportionate share towards bearing the public burdens. And, sir, when all these things are considered, let it not excite the wonder of any one if many of our merchants, believing their rights to be disregarded, and acting under the impulse of exasperated feeling, and a sense of justice denied them, should not weigh, with the most scrupulous nicety, the morality or immorality of the means they employed to pursue their accustomed trade and enrich themselves.

The history of this country shows that the mercantile part of it are not deficient in that sagacity and foresight which have immemorially distinguished men of the same pursuit, in every part of the world. We know that they calculate the mischief of a measure which affects them by the rules of a very different arithmetic from that which gives to them the list of balances on their ledger, and ascertains for them the amount of their profits. They look to the principle of every thing, and scan with a jealous eye the unborn mischief which its operations may bring forth. While yet every thing presents the exterior of calm and of quietness, they, with a keenness of vision little short of the spirit of prophecy, penetrate into the future, and survey, with a solicitude which their magnitude could alone inspire, all the accumulated and monstrous evils of actual undisguised oppression.

The fate which present appearances authorize us to believe may await this measure, ought to induce its friends to urge it with great caution. The geographical line which separates its friends from its enemies, shows that, in a large portion of this country, there is but one opinion on this subject. That opinion has been very distinctly expressed. Ought not this circumstance to make the Committee pause before they lend the sanction of law to a measure which would, as to this portion of the Union, be registered on our statute book as a dead letter? The demoralizing effects of a law which would thus remain perpetually a memorial of its own impotence, ought, above all others, in this country, to be carefully avoided. In this Republic, where the representative system seems destined to give a practical refutation to all the calumnies which disappointed politicians in other parts of the world have lavished upon it, and where every measure which receives the sanction of law ought to be just, equal, and efficient in its operation, there ought not to be found a single statute whose operation was paralyzed by the public opinion which it outraged.

Mr. C. said, that all that he had thus far said, was against the spirit and in opposition to the abstract policy of the bill, without looking to what was proposed to be done in detail. Indeed, so much had been already said on the various items of the bill, that he would not take up the time of the Committee with any analysis of it. Mr. C. wished that, by this nearer view of the subject—that by tracing the probable operation of the different provisions of the bill—he could discover any thing which would quiet the apprehensions of that portion of the country from which he came. A closer and more steadfast inspection of its contents was not at all calculated to dispel the alarm it had excited. It looks with an angry aspect to the South. All that this portion of the country can expect from its operation, will be punishment and unrequited suffering.

If, Mr. Chairman, a stranger, wholly unacquainted with the operations of our Government, alike ignorant of the history and of the policy of this country, could by accident be a listener to the present debate, he would conclude that the manufacturing industry of this country (if indeed any could be supposed to remain in it) was, if not most cruelly persecuted, at least most shamefully neglected by the Government; and that starvation and bankruptcy were threatening thousands of our people, without the possibility of their escape, except through the slow and grudging aid of legislative interference; and that, while this unhappy portion of our citizens were thus struggling with poverty and neglect, the Government was most unwisely and unjustly lavishing every species of munificence on the residue of its citizens. How would this conclusion coincide with the fact? How would such a person be astonished to learn that the very men who are now venting their complaints against the illiberality of Government, are the very men who, from time to time, in the short period of our history, have received protection to the full amount of their demands? And many manufacturing capitalists are now receiving from their capital, where that capital has been managed with ordinary care and skill, profits far exceeding the most profitable agricultural capital of the country.

Yes, the plain truth is, that this Government is unjustly charged with a want of liberality towards the manufacturing part of the community. For the protection of such manufactures as it is essentially the interest of it to promote and encourage, the duties are already sufficiently high.

Upwards of thirty years ago, a distinguished statesman of this country, (Mr. Hamilton,) whose views, in relation to its finances, were never thought to be chargeable with a want of energy, recommended a tariff of duties averaging from seven to eight per cent. ad valorem, as being in his opinion, abundantly sufficient to protect our domestic manufactures, and to draw forth and energize all the internal resources of the country; and whoever will consider, for a moment, the immense natural advantages which this country presents for such manufactures, abounding as it does in every variety of soil, in every variety of mineral, and of ores, in every variety of water power, to be applied either to the purposes of transportation, or to be used for propelling machinery, cannot feel the least wonder that such a protection should, at that time, have been thought abundantly adequate. And has the American Government listened to the wise counsels of this distinguished member of her cabinet? It has. And has fulfilled, to the fullest extent, his recommendation. The duties that have been imposed, from time to time, since the period of his advice, have more than trebled what he recommended. And I repeat it, said Mr. C., that whoever will consider for himself the exuberant redundance with which this country produces all the raw materials that can compose our domestic manufactures of every kind—whoever will cast his eye at the same time upon the map and upon the tariff of the United States, and contemplate the immense distance which separates us from all foreign competition, must inevitably come to the conclusion, that, if our manufactories have not already arrived to that degree of perfection which their most sanguine friends could desire, their backwardness is to be imputed to very different causes, from the want of protection.

A nearer view of our manufacturing establishments themselves, will conduct us to the same conclusion. What is their present condition? Mr. C. said he would not pretend, (as he lacked the necessary information,) to go into a minute and detailed history of the manufactures of this country. But a brief outline of some of the most prominent of them would convince any unprejudiced mind that the repeated complaints that had been heard on this subject, were destitute of any foundation.

The manufacture of iron, in many departments of it, has been already attended with complete success. Many utensils of great and general use, made of this material, have long since acquired their utmost degree of perfection. The history of many of these manufactures shows that their success has not depended on extravagant legislative protection. For, sir, long before the protecting duty, designed for their encouragement, had reached its utmost limit, the ingenuity of the American artist had outstripped the bounty of his Government, and reached perfection.

The manufacture of cotton goods in the Eastern States has been attended with a success which has surpassed the expectations of the most sanguine friends of domestic manufactures. Wherever common prudence and skill have been exercised, capitalists who have embarked in this business have derived an annual profit from their investments, averaging from fifteen to twenty per cent. In some establishments their occasional profits have considerably exceeded that rate. Already have their fabrics become an article of export to foreign markets. If these facts be not regarded as a sufficient evidence of the prosperity of this branch of American manufactures, Mr. C. said he was at a loss to know what proof gentlemen would ask. If such profits be not sufficient to satisfy their desires, Congress might exhaust in vain the treasury of the nation to glut their cupidity.

Our manufactures of glass ware have succeeded. Large establishments for this manufacture are now in prosperous operation at Boston, New York, and Pittsburg. Besides these, there are many minor factories scattered through the Northern and Eastern States, of whose profits and situation I cannot speak.

Our woollen factories, although they have not been crowned with the same success that has attended the cotton factories, have yet come far short of encountering an entire failure. Their progress will bear flattering comparison with the incipient stage of similar manufactures in other countries. And some explanation may be given to the uneasiness and discontent which this portion of our manufacturers have manifested, by calling to mind the fact that they have been reared up, and have had their day in the immediate vicinity of their more fortunate and flourishing sister factories of cotton. Incorporated, as they are, with each other, in point of location, it is quite natural that the daily contemplation of the superior success of the one, should fill the other with murmuring and despondency. But the actual intrinsic condition of the manufacture itself, ought not to be taken as the entire cause of the complaints we hear. Permit me, said Mr. C. to read, for the information of the Committee, a statement of the manufacture of flannel in this country, which has met my eye during this discussion.

[Here Mr. C. read from a newspaper, showing the progress of the flannel manufactories in Boston and its vicinity.]

Nothing in this short review of the condition of our manufactures can more conclusively show that they are not in a languishing condition, than, that many of them are receiving the high profits which have been mentioned. And while it shows the fact that their condition is not a languishing one, it does not the less unanswerably show that their progress must, in this country, as it has been in all others, be gradual. For, notwithstanding the acknowledged profit which some of our manufactories yield, we see that capital is slowly vested in them. Since it is the nature of capital, as well as of industry, to seek their most profitable occupation, how can this apparent phenomenon be accounted for? Unquestionably, it is to be traced to no other cause than to the situation of the country. The habits of our people have received a different direction. Their industry has found employments in channels that are more accordant to their genius. And as long as these causes continue to operate, it is in vain to expect to legislate our manufactures into a premature unnatural prosperity. You cannot by legislative enactments, outstrip the course of events. You cannot even attempt it, without running the risk of doing more injury than benefit, to the interest you would promote.

It is worthy of remark, in the present outcry which is made for protection against the ruinous effects of foreign competition, that the interests of large moneyed capitalists is distinctly to be traced. Amidst the general swell of complaint with which we are assailed their voice is plainly to be heard. While they are besieging Congress with their importunities, the laboring crowds which fill their manufacturing houses are working on in silence and contentment. They are not to be benefited by the bounty which is asked. The wages of this numerous class of our citizens are not to receive a proportionate increase. They are still to remain the humble but productive instruments of pampering the pride and augmenting the wealth of their lordly and avaricious masters. Thus, the evident and direct tendency of this measure is to confer upon moneyed capital unequal advantages, and to raise up, in the bosom of our country, where we have so long boasted of our equal rights and privileges, and of the unsophisticated simplicity of our manners, a haughty, dominant spirit of aristocracy. Of the effects of such a spirit, Mr. C. said, it was needless that he should speak to such an assembly. Suffice it to say, that, in no country has it ever appeared without changing and disfiguring the face of society. And there is no country under the sun where its first appearance should be more earnestly deprecated and carefully avoided than in our own.

Some gentlemen still believe, that, notwithstanding the complaints that are heard from the South, that the present pressure of the times is most sorely experienced in the Northern States. This is a matter of evidence, and can be determined only by observation. Let any one who entertains such an opinion traverse for himself the extensive fertile regions of New York. Let him behold the diversified and thriving industry of her population; her commerce externally and internally flourishing; her agriculture abundant; her villages, which have recently sprung up, as if by magic, in thick profusion, through all her borders, filled with "the busy hum of active men;" her laborious and contented yeomanry, scattered over a thousand hills, and cultivating innumerable farms, which they have reclaimed but yesterday from the wilderness—all bound together, cheered and animated by a canal, whose extensive and increasing benefits can be equalled only by the splendor of the public spirit which has achieved it. And, when he has surveyed this happy portion of his country, progressing eastward, let him behold the patient and systematic industry of New England, content with the certain annual rewards of her toils, growing rich under the combined operation of a lucrative foreign commerce and improved domestic manufactures. And when he has finished this survey, let him turn his eyes to the South, and see if he can avoid being struck with the contrast which all this region presents to that which I have just now sketched. In the South, the prostration of their foreign markets has spread over the face of the country a general, pervading gloom. In all that region which stretches itself from the shores of the Potomac to the Gulf of Mexico, where all the arts of civilized life once triumphed, the arm of industry is now paralyzed. Large and ample estates, once the seats of opulence, which supported their proprietors in affluence and comfort, are now thrown out to waste and decay. And this is the country (will gentlemen believe it while it is uttered?) which it is sought to make tributary to that which, if not already abundantly prosperous, is at least exempt from that general distress which presses upon the South!

The truth is, Mr. Chairman, after all that has been said on this subject, there are no rules which can be derived from the history of other nations in regard to the policy of encouraging any specific sort of industry which can have any correct application in ours. In the first place, the organization of our Government, and the materials of our society, are essentially different from theirs. In the second place, the abundance and cheapness of our lands must, for a long series of years to come, render the habits and pursuits of our citizens essentially agricultural. While such fields for speculation and enterprise are open in the West, the tide of emigration must continue to set in that direction. And there is no circumstance which can be adduced more clearly to show the natural bias of the human mind to agricultural pursuits than that, ever since the settlement of the Western country, it has operated as a constant annual drain upon the population of the Atlantic States.

Why is it, sir, since the cotton factories of New England have got into successful operation, and offer such strong temptations to avarice, that we find no emigrant from the South going thither to embark his fortunes in any of them? The answer is to be found in the condition of our country, and the character of our people. The present generation must pass away before such a spectacle will be witnessed in this country. Just as soon, said Mr. C., would he expect to see an aboriginal inhabitant coming from beyond the mountains, deserting his native wilderness, and seeking his happiness amidst all the splendid accommodations and luxurious habits of civilized life.

Mr. C. said, he would say nothing about the demoralizing effects of a general introduction of the manufacturing system. For, notwithstanding he believed it fairly exposed to this objection, he had great consolation in believing that, whenever this mischief was seriously to be apprehended, it presupposed so extensive an introduction of the system already made, that he could not think there was much cause for alarm from this quarter. The objection would gather strength as the manufactories of the country became multiplied and enlarged. He was not afraid that the passage of the bill would suddenly convert the people of this country so much to manufactures that their morals would be ruined. We are yet hardly removed from our starting point in the great orbit we are destined to describe; and nothing could be more idle than to suppose that any vote which we may give on the question before us would have such a transforming effect upon the character of the American people. Ages must yet pass away before we can expect to see a Manchester or a Birmingham on this side the Atlantic, except they be scattered at great distances from each other.

Another objection, which is entitled to great weight in determining this question, is the tendency of the policy which dictates it to perpetuate itself. When you have once yielded to it, you are under a moral necessity for continuing it. Such has been the result of the experiment wherever it has been made. This year, one class of your citizens present themselves before you, and appeal to you for protection. You hear them, and grant their request. The second year, another class, observing the listening ear which Government lends to such applications, are encouraged to prefer their claims. They succeed, and obtain the passage of a law for their special benefit. The third year opens the way for still a third class, who fortify themselves on equally strong ground, and make their appeal to your justice or your liberality with equal success. Thus, all these laws, from their peculiar nature, being designed to operate upon improper subjects, produce consequences which were at first wholly unforeseen. These unexpected consequences, in their turn, beget the necessity of new legislative enactments. In this way you progress to an indefinite length, filling up your statute book with explanatory, supplemental, and amendatory acts, until you literally lose yourself in a maze of legislation.

Conduct like this has no just parallel, except in that of a man whose disordered health has been produced by the indiscreet use of remedies whose frequent repetition has established their dominion over him, and while they impose upon him the necessity of a ceaseless routine of medicine, render it perfectly certain that his health can never be entirely restored.

This is a policy unbecoming the destinies of our rising and spreading Republic. I do not, said Mr. C., wish to see this country, by this kind of political quackery, enervating and destroying all the wholesome and natural energies of her physical constitution. I am unwilling to see her taking such uncommon pains to superinduce upon herself, before their time, all the infirmities of old age. Such artificial stimulants as the present only suit the decline of life.

Our situation is a peculiar one. It involves us in high responsibilities. In every step we take, in the development of our future destinies, we should ponder with the utmost caution and most solemn deliberation. We are under obligations of the most sacred character, not only to the present generation, who are looking from every quarter of this Union, with the utmost solicitude, to the issue of our present deliberations, but to unborn millions who will yet live to experience the fruits of this measure.

Let the course of policy we adopt be what it may, we ought not to look with too steadfast an eye upon the history of any other nation. We ought not, especially, to gaze with too partial a fondness on the example of Great Britain. That nation, it is true, has extended the most munificent encouragement to the mechanic arts, and has fostered, with peculiar favor, her manufactures; and she has, also, enjoyed more than her proportionate share of wealth and fame in the great family of nations. But it does not, by any means, follow, as some gentlemen seem to imagine, that the last has been the result of the former. If we are to derive any instruction from the example of Great Britain, on this subject, it is, that we should interfere as little as possible with the industry and pursuits of our citizens. At a period when her most sagacious statesmen, as well as her most approved writers upon political economy, unite in expressing their regret at the extent to which that nation has embarrassed herself with such regulations, shall we shut our eyes upon the lesson which her example teaches? Such regulations were never adopted by Great Britain through choice. The rivalry and jealousy of neighboring States forced her to their adoption. And, because she has been wise and adroit enough to make a virtue of necessity, and to turn to the best account the very disadvantages with which she had to contend, shall we, with the vain hope that, peradventure, equal good fortune may await us, blindly imitate her example? I cannot believe that any gentlemen are disposed to indulge themselves in such hazardous speculations on the future welfare of their country.

There is another peculiarity in our situation. We have, in the same hemisphere with ourselves, embryo republics springing into political being. There are, in South America, materials, in soil and population, for great and extensive States. They are rising into political being at a period of the world peculiarly auspicious for the formation of wise governmental institutions. Their importance has already attracted the eyes of the civilized world. The immense advantages which may grow out of their future trading connexion, have already excited the jealousy of certain European Powers. And, while our near neighbors are esteemed of so much value in the commercial alliance they may form with nations almost on the opposite side of the globe from them, shall we, in their immediate vicinity, remain indifferent to the influence they may exert upon our future destiny? These circumstances ought rather to incline us to a favorable consideration of the friendly and commercial connexions which may, hereafter, subsist between us.

In taking an enlarged view of the situation of our country, and of the policy to which it ought to direct us, it ought not to be forgotten that we are surrounded on all sides by the ocean. Look to what quarter of the horizon you will, and your eye meets an immeasurable waste of waters. What ought this circumstance to intimate to the statesman, who, like the immortal Edmund Burke, believed that the situation of every nation, like that of every individual, ought to be the preceptor of their duty? Would he not infer from it that the same munificent Providence that had blessed our happy country with such unexampled abundance at home, had thrown around us this circumambient world of waters to invite us to transport the fruits of our soil to every region of the earth? Yes sir, it is our duty to beware how we fetter and restrain the spirit of commerce. That, if possible ought to be left free as the wind of heaven that wafts it on the bosom of the deep. Let us take heed how we legislate our wharves, which are now populous and cheerful, into silent but impressive monuments of the commerce that has deserted them. Mr. C. said, he did not wish to see the flag of American commerce floating to the idle wind in our harbors. He wanted to see it visiting ocean's furthest shore, and returning home with the fruits, the treasures, and the riches of every clime. He wanted to see it extending its peaceful conquest over every sea, and as much respected in every quarter of the globe, for the skill of our sailors and the enterprise of our merchants, as it confessedly is for the heroism which so lately defended it in war. Trophies, won in this way, will contribute largely to the happiness, the wealth, and the power of this country. And, although they may not hold up, in such a bright relief, a few ambitious spirits who thirst for military conquest, will, when they are collected together by the future historian, constitute the most emphatic eulogium which can be pronounced upon the wisdom that has guided the councils of this nation.

When Mr. Carter had concluded—

The question being put on Mr. Isacks' amendment, was decided in the negative—ayes 72, noes 96.

Mr. Gazlay moved to report the bill as amended, but, before the question was taken, Mr. McKim offered an amendment laying a duty on certain articles of morocco leather. The amendment was rejected, only 40 rising in its favor.

Mr. Clark, of New York, then moved to amend the duty on iron, by reducing it from one dollar and twelve cents to ninety cents. A motion was made to rise—ayes 87, noes 96.

Mr. Clark then supported his motion by a speech, but gave way, at half-past 4 o'clock, for a motion to rise.

The Committee rose accordingly, and the House adjourned.

Tuesday, April 6.

Mr. Cocke from the Committee on Indian Affairs, to whom was recommitted a bill "for the appointment of two assistant Indian agents," reported the same with amendments.

Mr. C. explained the amendments, with the circumstances which had led to their insertion; when the bill was ordered to be engrossed for a third reading to-morrow.

Mr. Rankin, from the Committee on the Public Lands, to which was referred the bill from the Senate entitled "An act for the relief of the legal representatives of Firman Le Sieur," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. Rankin, from the same committee, to which was referred, on the 29th ultimo, a memorial of inhabitants of St. Augustine, reported a bill to authorize the Territory of Florida to open a canal through the public lands, to unite the river St. John's with the Bay of St. Augustine; which was read twice, and committed to a Committee of the whole House to which is committed the bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie.

Mr. Warfield laid the following resolution on the table for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to cause to be submitted to this House a statement of the several purchases of real estate in behalf of the United States, within the territorial limits of any State, since the 4th day of July, 1776, in pursuance of any act of Congress, or by any department or officer of the General Government, denoting in each case the particular authority under which each purchase was made, its date, and the end or use for which it was effected; the nature of the estate thereby acquired, and the person or persons by whom, and to whom, such estate was conveyed, together with the fact whether such purchase was or was not accompanied with the express consent of the State of whose territory such real estate constituted a part; and, in the former case, whether any, and if any, what, special jurisdiction accompanied the cession or conveyance.

The resolution offered heretofore by Mr. Allen, of Massachusetts, fixing a time for the adjournment of the House being taken up; after some observations from Messrs. Tod and Edwards, of North Carolina, it was laid on the table—yeas 93, noes 68.

Mr. Randolph gave notice, that, having been prevented, by indisposition, from calling up his resolution respecting an alteration in the compensation of members of this House, he should call up the same on Saturday next.

On motion of Mr. Vance, of Ohio, a committee was appointed to inquire into the expediency of granting relief to such persons, purchasers of the public lands, lying between Ludlow's and Roberts' lines, in the State of Ohio, as are liable to be evicted from the same, on the principles of a decision of the Supreme Court of the United States, made at their last term, in the case of Doddridge against Wright and others, and the committee had leave to report by bill or otherwise. Mr. Vance, Mr. Rankin, Mr. Lathrop, Mr. Beecher, Mr. Hayden, Mr. Archer, and Mr. Saunders, were appointed a committee pursuant to the said resolution.

On motion of Mr. Saunders, the Committee of Claims were instructed to inquire into the propriety of allowing William Cleftan compensation for certain losses sustained by him in consequence of the impressment of his wagon and team, for the transportation of a part of the North Carolina militia to Norfolk during the late war.

On motion of Mr. Burleigh, the Committee of Ways and Means were instructed to inquire into the expediency of extending the laws now in force giving a bounty to vessels of certain descriptions employed in the cod fishery, to vessels of the same description employed in the mackerel fishery.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz:

1st. An act to provide for the extinguishment of the debt due to the United States by the purchasers of the public lands;

2d. An act to change the terms of the circuit and district courts of the United States, in the State of Ohio, and one of the terms of the circuit court in the district of Kentucky;

3d. An act supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt;'" in which bills the Senate ask the concurrence of the House.

The said bills were, respectively, read twice, and referred, the first to the Committee on Public Lands; the second to the Committee on the Judiciary; the third to the same committee.

THE TARIFF BILL.

The House then again went into Committee of the Whole on the bill to amend the several acts laying duties upon imports.

Mr. CLARK, of New York, had moved to reduce the duty on iron from one dollar and twelve cents to ninety cents per hundred weight.

In support of this amendment, he said, that, after the very protracted debate on this bill, it could not be expected he would trespass on the patience of the Committee by going very fully into the discussion of the subject. Indeed, said he, the gentleman from Massachusetts, (Mr. WEBSTER,) by the very able manner in which he has dwelt upon this particular part of it, has left little more to be said. I believe, sir, most firmly, that no additional duty ought to be laid on iron; but, since the Committee have decided against striking it out altogether, I have thought proper to try their opinion on a moderate increase, one which will be less burdensome and oppressive on the industry of the country. I do not doubt that manufacturers of this article, who have good ore near navigable waters, and other conveniences for carrying on their business, can, with proper economy, make it profitable and productive under the present rates of duties. And if others cannot, it is because they have not those advantages, or do not observe the same economy. I have, sir, a statement in my possession, which I received from a respectable source, giving, in detail, all the items of expense in making a ton of iron. This statement I believe to be sufficiently correct, and to contain at least as high rates of labor, &c., as the present prices.

From this statement, sir, it appears that no branch of business in our country is carried on with more profit to those engaged in it, (I mean of the description I have mentioned,) nor with more certainty of success; and any further protection would only be giving them enormous profits. [Mr. C. here read the detailed statement, by which it appeared that the expense of making a ton of iron was only $63 60.] From the price current, it appears the price of this article, now in our market, is from $81 to $83 a ton. So that the profits, at this rate, are from $17 40 to $19 40 a ton. Here, sir, is an ample profit, and one that offers better encouragement than almost any other branch of business in the country. I am aware, sir, that this will not apply to more than one-third of our iron factories—that the others labor under disadvantages of various kinds, and probably even with the proposed duty would find no protection. Increase your duties, sir, so as to shut out all imported iron from the country, and those who now really require the protection, would find themselves undersold in the market by their more fortunate competitors, and would as much need protection against them as the importers.

But, sir, if all these considerations were obviated, and none of the objections I have enumerated existed, I should still be opposed to this duty from other considerations. I would oppose burdening this article with heavy duties, because such a measure would be at war with the general objects of the bill.

What is that object, sir? It is the encouragement of the agricultural and manufacturing interests of the country. This bill proposes to load with additional duties one of the staple necessaries of both these emplyments. You also profess, by this bill, to give encouragement and employment to industry. By stopping the importation of it, you drive a large portion of the navigating interest from their usual and accustomed habits of industry; you subject them to poverty and ultimate ruin; you increase the price of a necessary material of nearly every manufacturer and every artisan; and, what is more than all, you are loading the farmers of the country with exactions—exactions which will bear upon and oppress them heavily.

Sir, I have said I would not advance, with this bill, a single step beyond what I believed to be for the interest of him who cultivates the soil; I still adhere rigidly to my determination; and nothing shall drive me from it. I vote for an increase of duty on woollen goods, because I believe it will make a market for wool; on molasses, because, as the importation of it is diminished, its place will be supplied with grain for distillation. But, when you propose a tax on this article, which will bear so heavily upon the farmer, and do so much to empty his pockets, I shall use my feeble efforts against it.

But, we have been told, in the course of this debate, that we must compel ourselves to make this article at home, in time of peace, because, in time of war, our commerce will be driven from the ocean, and our harbors locked up by the enemy. This case, so extreme, so improbable, and unlikely to happen, may, in the course of the strange vicissitudes that visit nations, ultimately be realized. But, sir, when such an event occurs, I trust the want of this article will be among the most tolerable of our sufferings.

Should we go to war with Russia, we could procure it from Sweden and all the rest of Europe. If with England, or Sweden, we could obtain it from Russia. Should our vessels be swept from the ocean, still, however, it would be brought to our ports with but a trifling increase of price.

Sir, I have made all the inquiry in my power, and I have not been able to ascertain that there are more than from five to six hundred of these factories in the United States. These are probably owned by from five to eight hundred individuals. It is for these individuals we are called upon to lay a burden on more than ten millions of people; to drive twenty times their numbers from their favorite pursuit, and involve thousands in ruin. I exhort gentlemen to pause and reflect before they take this broad step in the maze of inconsistency.

Let me not be told, that we are furnishing employment for a great mass of our citizens in carrying on each of these factories; for every one who has had any knowledge of this business must know, that their condition is not bettered by their employment. The workmen around them are generally the least enlightened, the most poor and degraded of any in our country. The employment of most of them is to cut down and make waste of timber, which, in many cases, is seriously to the detriment of the country around them.

Sir, in every point of view I have been able to look at this subject, I have arrived at the same conclusion. It will operate as an unjust and oppressive burden, from which you will ultimately be compelled to recede.

Mr. Tod, of Pennsylvania, in reply to Mr. Clark, said he had flattered himself that one tedious debate, and one decision upon this item of iron, would have been sufficient, at any rate, in Committee of the Whole. I do not complain, but I must say that the disappointment is extremely mortifying, by a friend of the bill renewing a question in substance once settled—renewing it at this time, when it is evident that delay is destruction; and renewing it in such a manner—for I think the gentleman from New York made his motion, and, as soon as he rose to support it, moved for the Committee to rise. The Committee refused. In a very few minutes after, the gentleman from New York gives way, yields the floor to another member, to renew the motion for the Committee to rise, which motion succeeded, and brings us to the second day of the second debate, on a single item of a bill which has been before us now almost three months, and a decision upon which seems to be protracted to a length, perhaps unexampled in this or any other country.

Mr. Tod said, I blame no one, nor pretend to any right to dictate to any member what course he shall pursue; yet the gentleman from New York will excuse me for saying, that, dismayed as I am at the time and manner of his renewing this discussion, I am still more dismayed at his arguments. From our opponents, I can hear any thing without emotion; but the reasons given by the gentleman from New York strike me with a chill which I will not attempt to dissemble. The gentleman from New York supposes that only six or seven hundred iron masters are to be benefited by this duty. If he is right in that, then it would be true, that only the merchants are benefited by trade and navigation. But it must be a total mistake—the whole agricultural interest of our country is directly interested. The 40,000 tons of iron which we import, the two millions of dollars which we pay for it, only deprive our people of a market to that amount for their grain, beef, and pork, which articles, those governments which send us their iron will not suffer their people to touch, coming from us. Our opponents admit, that domestic industry ought to be protected when we are ripe for it, as the phrase is. Now, iron we are not only ripe for, but, some years ago, actually were in the way of fabricating, to the full amount of our own consumption. One object of the gentleman from New York appears to be, to mend the morals of our people by importing from Europe. To the workers in iron he has applied the epithets of poor and degraded. As to their poverty, it may be true enough. How can it be otherwise when their business is so reduced, and they cut out of three-fourths of it by foreign importations? "Degraded" is a term not applicable to such men. To be sure, there are many professions and occupations which appear more neat and genteel; they have leather aprons and blacked faces; but a great majority of them are not only laborious, but frugal and careful; and those who are thoughtless and imprudent, are yet almost invariably honest and manly. They love their country. Theirs is a robust and hard business; there is nothing in it degrading to body or mind. Sir, it has been said in this debate, some months ago, or in some other, I forget when—for there is one thing peculiarly lucky in this tariff discussion, that every thing said will bear repeating at least thrice, and still, with all the advantage and grace of novelty, having been forgotten from length of time—it has been said, or might have been said, that the iron workmen of Sweden, when nobles, and gentry, and farmers, and merchants and seamen, had submitted to foreign domination, collected together, and saved their country. It is notorious that, during the gloomiest times of the late war, and afterwards until Government thought fit to abolish the internal duties, there was no resource in our nation for men and money, superior to that of the iron works in the interior. If supported and protected, they will add more real strength and wealth to our country, than the cultivation here of all the cotton raised on this continent, and Egypt and Bengal put together, could possibly do; for this work is carried on by free labor, that by slaves. Before he sat down, Mr. T. said, he wished to relieve the gentleman from New York, (Mr. Clark,) from his anxiety lest the iron works should consume all the wood; true, they do cut the wood from the hills; but equally true it is, that the wood invariably springs up again, and is ready for another cutting every twelve or fifteen years.

Mr. Clark replied to Mr. Tod. He said, as to the fears and dismay expressed by the honorable chairman, he could only say, it was unnecessary for him to have disclosed them to the Committee at this time, since he was sure no gentleman would be turned from his course by such disclosure. Indeed, sir, I am not legislating, at this time, for the purpose of pleasing that gentleman. No, sir; I shall vote and act without reference to his opinions. If the gentleman supposes his appointment as chairman entitles him to direct all the friends of the bill in the course they are to pursue in its details, he is mistaken so far as relates to me. True, sir, I am in favor of a revision of the tariff; but it does not, therefore, follow that I am bound to support the whole of every provision the gentleman has chosen to insert in the bill. If that gentleman considers himself a sort of drill sergeant, to manœuvre the friends of the tariff, I, for one, must beg to be excused from his discipline. Why, sir, all this complaint about the time I have taken to introduce this amendment? Are the Committee to be told at what time they shall stop amending the bill? I, for one, cannot recognise his right to such dictation.

But, says the gentleman, we have arrived at the second day of the second debate on this amendment. What then, sir? Is this such an appalling fact as to shake the gentleman's nerves? Surely, the case is no anomaly in legislation. The Committee decided, on a former motion, that they would not strike out the whole of the proposed increase; but does it follow that they will not reduce it? Sir, it was not until I learned that a number of its friends were anxious for this reduction that I proposed it. Indeed, sir, the decision of the question on striking out the whole was not very satisfactory to me. More than seventy members were out of the House, and the majority small. The result, however, will show whether I am correct.

The only answer I have to give to the gentleman's statement, that "two millions of specie are annually exported to pay for iron," is, to point him to the Treasury report of imports, exports, and tonnage, of the United States, where he may learn that, in the preceding year, less than thirty-three thousand tons of iron have been imported from all the world. That nearly all of it was brought from Russia and Sweden, and not a dollar of specie has been exported to either of those countries. On examination, he may also learn that no money is carried from this country to pay for iron, but that it is always purchased with such articles as we can easily spare, and such as we ought to dispose of. Sir, I said yesterday, and I say again to-day, that, as far as my observations have extended, the persons in the employ of iron masters, and their families, are less enlightened, more poor, and unhappy, than any other class of citizens among us; that this is the most undesirable of any employment in the country. I shall not, however, deny that a recruiting officer might fill up his ranks among them as quick as among any other people.

Sir, having made no allusions to "black faces and leather aprons" myself, I presume the gentleman did not mean what he said on that subject as an answer to my argument, but designed it for other purposes. Hoping, therefore, that it may have the desired effect, I shall leave him to enjoy the benefit that is to be derived from such reasoning.

Mr. HAMILTON, of South Carolina, after making a few introductory remarks, on the course which had been pursued in the discussion of the details, as well as the general principles of the bill, which he reprehended as furnishing the most unequivocal tokens that its friends were about, if possible, to limit the freedom of debate, and force the bill into the House at a moment when several important amendments were about to be tried in committee—observed that, in rising to address the Committee, he could but be sensible of the serious embarrassments which awaited him in following, on the same side of the question, the gentleman from Massachusetts, (Mr. WEBSTER,) who had greatly abridged, if he had not entirely exhausted, the topic before them; and whilst, Mr. H. said, he participated in the pleasure, which all had enjoyed, in hearing the unanswerable argument of that gentleman, (an argument that had scarcely left the honorable Speaker [Mr. CLAY] an inch of ground to stand upon, notwithstanding the vigor and elasticity of his genius,) he should endeavor to avoid a repetition of any of the remarks of the gentleman from Massachusetts, however difficult the task, when speaking on the subject. If, however, he could glean a single topic which had not been gathered in the abundant harvest which had crowned the efforts of that gentleman, he should regard his own exertions as not absolutely useless and unimportant.

Mr. H. said he hoped that, in his reply to the honorable Speaker, he would offer some atonement for the trespass he was now about to make on the patience of the Committee, when he informed them that, at least in reference to those parts of the gentleman's argument in which he sustained himself by the force of British authority, that he would meet him by English doctrine, also; and he undertook to affirm that, notwithstanding the ingenuity with which these authorities had been used, there was more to be found in British precept and example to admonish us to avoid the policy which the honorable Speaker was desirous of forcing upon his country, than the reverse.

And here, at the very outset, Mr. H. said, he would take occasion to remark that, if Adam Smith (an authority, by the way, much contemned by a certain school of political economists in this enlightened age and country) could have risen from his grave, and heard some of the extraordinary opinions of the honorable Speaker, this worthy old philosopher would indeed have believed that the world, ever since his exit from it, had been in a slumber as profound as that which had visited his own tomb. He would have thought, with good reason, that all those anticipations of the progress of truth, and the consequent extirpation of error, which he had cherished in a generous love of his species, had indeed been the idle dreams of a foolish and vain philosophy—for he would have met here the very dogmas of that school of restriction and monopoly which it had been the chief business of his valuable life to refute and overthrow. But there would have been in reservation for him, one astounding circumstance for which he would have been altogether unprepared—and that is, to have heard the pathetically and poetically drawn pictures of the present distress and debility of our country attributed to the freedom of our trade, and the overflowing abundance of our agriculture! However much the narrative of these diseases, and their causes, might have surprised him, the catholicon which is proposed for their cure, would have been more a subject for his especial wonder and speculation—a remedy which embraces in their most potent combination, the old and exploded ingredients of monopoly and restriction. But, Mr. H. said, his business was rather with the living than with the dead. Before, however, he dismissed this branch of the subject, he would say, if we were disposed to throw aside, as refuse lumber, all that had been written by this great man, on a subject to which he had brought a philosophic spirit, enlightened by the most extraordinary endowment of intellect, formed by the most propitious opportunities for observation, and warmed by as enlarged a philanthropy as ever animated the human breast, it would be well to advert, for one moment, to the past, and even present, situation of our country, in reference to the great resources of its productive wealth. If the tree was to be judged by its fruits, it might be inquired how it was that, in spite of our deplorable fatuity and blindness, in running counter to the favorite maxims of this school of restriction, this country should have prospered, and still prospers, beyond all example. Yes, sir, it might well be asked, if high or prohibitory duties on imports are essential to the proper development of the industry of a nation, how it comes to pass that, within the ordinary duration of the life of man, we may be said to have built up an empire of such vast power, and possessing, within itself, such varied resources of wealth and happiness.

Serious distrust must be entertained of any scheme, having for its objects a diversion of the capital and labor of the country, when we look about us, from one end of this continent to the other, and see so many monuments of what the enterprise of our people had effected in the ordinary channels in which it had been employed; and, if one or two of these memorials of the industry of our people were selected, they would be amply sufficient for the argument, without a more comprehensive collection. If it were desirable to see what the commerce of the country was capable of effecting, a reference to New York and Boston would satisfy this inquiry. *There* might be seen the rise of cities, the rapidity of whose progress is without a parallel, in ancient or modern times. If it was necessary to ascertain what sort of wonders the results of agriculture could achieve, it is only requisite to turn to the West, and, within the period measured by the contemporary recollection of the youngest of us, to see a wilderness subdued, a vast and intelligent population created and sustained by the prolific treasures of the earth. It might indeed be seen, that, since the peace of '82, by the conjoint operation of commerce and agriculture, seven millions had been added to our population, eleven States to the Confederacy, innumerable tracts of fertile territory brought into successful culture, and, in spite of all that had been said, a vast and almost incalculable sum added to the active capital of the country.

Before, therefore, we acquiesce in the necessity of changing the existing employment of capital, in our country, which has confessedly done so much for us, there are a few salutary truths, which, however old-fashioned they may be, it may not be unimportant to notice.

One of the first of these is, that the production of a country must depend on its capital and labor, and that the latter bears a just proportion to the degree of skill and industry with which the former may be employed; now it follows as a fair corollary from these principles, that labor and capital, if left to their own direction, will always seek, and find, their most prosperous exercise and investment, and that this may be safely confided to the sagacity of individuals who, by a law of nature, invariable in its operation, will pursue that department of industry which promises to yield either immediately or ultimately the greatest profit. Thus it is, in the words of a popular author, that, "whenever any thing is to be made by a particular employment of industry, it wants no encouragement; where there is nothing to be made, it deserves none."

We may, at least, be certain of one fact, that no divine alchemy has been revealed to us, that we can, at pleasure, produce wealth, by legislating an alteration in the pursuits of our people. We may, it is true, disturb the ordinary operations of labor, and increase the profits of a given branch of industry; but, as the whole of our society must make up its aggregate account of profit and loss, what is added to one class as profit, in the way of encouragement, must be taken from the other, in the way of a tax and consequent loss. To conclude this part of the inquiry, if there is any truth which appears to be sustained by experience, it is, that the only consequence resulting from the interference of Government in the employment of labor and capital, is to give to them an artificial distribution, and to coerce them into less profitable pursuits, than if left to be disposed of and controlled by their natural owners, who are most sensible of their value, most responsible for their use, and have the greatest immediate interest in their successful employment.

These remarks, Mr. H. said, he made without indulging in any spirit of hostility to the domestic manufactures of the country, and that he was prepared to admit that they were to be encouraged precisely to the extent, and no further, than this encouragement was not calculated to discourage the other great sources of the productive industry of the country. And here he would take occasion to say that the imposition of the duties on imports for the purpose of revenue, furnished in all a reasonable, and in many a high rate of encouragement, to which, if were added the incidental charges on importations, and with which the foreign article was almost exclusively burdened, the manufactures received all the protection to which they were in justice entitled, and all that the country could afford to pay. When, therefore, the gentlemen who were in favor of the scheme of immense taxation, involved in the bill on the table, were so regardless of the past, and so perfectly gratuitous in their assumption of facts, as to found their arguments on the basis that there was no sort of protection, except to a few favored articles, they must be prepared to say that an average duty of nearly twenty-five per cent. on the consumption of the country was nothing, or to admit that there was something so incurably defective in the manufactures of the country, that nothing short of prohibition, or the exclusion of all foreign competition, could furnish a fair return for their productions, or force them into an unnatural existence.

The opinions of the former Secretary of the Treasury, Mr. Alexander Hamilton, have been much relied on, and his celebrated report on manufactures (unquestionably a very able and ingenious State paper) has been quoted, but often with a gross perversion of the scope of the argument of that great statesman. Great as was his admiration, said Mr. H., of the talents of this statesman, he was not prepared to take his opinions on this subject, or that of Government, without some qualification and limit. General Hamilton was a contemporary of the younger Pitt, and they may have been said to have been, at the same time, prime ministers of their respective countries. It is perfectly obvious that General Hamilton rather looked to the practice of Pitt, (whom he resembled in the grandeur of genius,) than to the writings of Adam Smith, and the French economists. His opinions came, therefore, from the mintage of the restrictive, exclusive, and jealous systems of trade and finance, which, in spite of the occasional theories of Pitt, oppressed his whole scheme of Government. But, as clear and emphatic as Mr. Hamiliton was in his report, he could have formed no conception of the extent to which his doctrines would be pushed, by his present avowed disciples, who have attempted, with singular injustice, to give currency to their schemes of violent taxation and oppressive monopoly, by the authority of his name. As the present question is one of figures, perhaps the best answer to the inquiry of what sort of encouragement Mr. Hamilton deemed necessary for the development of the manufacturing capacities of the country, would be given, by comparing the rates of duties which he proposed, with those in the bill now under the consideration of the Commitee. Mr. H. said he would now advert to a few of these items.

We will begin first with an article of universal use and importance—nails—on which Mr. Hamilton proposed placing an import duty of two cents per pound; by the bill on your table this duty is raised to five cents per pound. Fire-arms and military weapons he rated at 15 per cent. ad valorem; you have raised it to 25 or 30 per cent. Manufactures of steel generally, on which he proposed a duty of 7½ per cent., the bill on your table has raised variously, from 25 to 100 per cent. Articles of copper and brass, which he arranged at an ad valorem duty of ten per cent., are now placed in the tariff under consideration, at a rate of duty as exorbitantly advanced as that on articles manufactured of steel and iron. He recommended a duty of two cents per gallon on imported spirits, of the first class of proof; the duty now proposed is fixed at 38 cents. Articles of which hemp is the component part, he puts down at 10 per cent. ad valorem; your bill provides that they should be variously burdened with a duty from 30 to 140 per cent. Mr. H. said he would not fatigue the Committee by any further enumeration, which, if extended throughout all the classes of articles embraced in General Hamilton's report, would be found to sustain the great difference of opinion which existed between that gentleman and his self-created disciples, as to what might be deemed a fair protection to the domestic industry of the country, and what was in fact a system of undisguised prohibition. But there is one point on which this statesman is at least fairly at issue with the advocates of the proposed tariff. General Hamilton certainly looked rather to an ultimate reduction of the duties on imports, after domestic competition had been brought fairly into operation, than that these duties should be progressively increased; and it was an emphatic maxim of his, that, if an article required repeated and continued bounties and duties to nourish its production, it was a proof that the country was not prepared for its manufacture, and that it was unwise to attempt to force it into a precarious and labored existence. When these two opinions of this great man are taken in connexion with the cardinal principles with which he sets out, that the raw materials of manufactures should be generally admitted free of duty, it will be obvious that his opinions have been grossly perverted, by being pushed to an extremity which he never did or never could have contemplated.

The true question, however, submitted, is not whether the results of manufacturing labor be profitable or advantageous to the country or not, (for there is no man so silly as to dispute so obvious a truth;) but whether this or any other species of labor was, in a Government like ours, to be fostered by a scheme of partial legislation, operating as a bounty on the one hand, and a tax on the other? To this system there was a variety of objections, some of which Mr. H. said he had endeavored to prove were applicable to principle itself, and some to the specific details of the bill. Mr. H. said he did not know that he could treat the subject more appropriately as to what remained to be said by himself, than to attempt an answer to some of the topics which the honorable Speaker had so ingeniously discussed; for, it might be well said, that, if his argument had not produced conviction, it at least had copiously supplied materials for inquiry and speculation.

The honorable Speaker began his effort by a strong and highly wrought contrast between our own country and Great Britain. A contrast which had been so delineated, as to the boldness of the outline, and the disposition of light and shade, as to put our unfortunate land in rather an ill-favored and discouraging aspect. That the force of a picture depends as much on the hand of the painter, as on the subject, he believed, would be readily admitted; whilst he was not prepared to enter into competition with the Speaker in the graphic energy of these sketches, he would endeavor, nevertheless, to vindicate our poor country from a portion of the reproach of blindness and fatuity which has been cast upon her.

The first reply which he should offer to the *exposé* which had been made of the inflated wealth of Great Britain, was, that he conceived it neither a calamity or reproach, that our country was not as rich. That, after all, the wealth of a nation, like that of an individual, ought to be estimated in reference to its expenditures; the mode in which this wealth was used for the production of the greatest amount of human happiness and virtue.

He believed it would be found to be an axiom as true in politics as in ethics, that wealth was not, *per se*, the *summum bonum;* but he would waive the discussion of a trite subject, and say, that, if this country was tried by even the standard which the Speaker had indicated, she would suffer nothing in the comparison. But, in estimating the amount of the active capital of the two countries, the great disparity in their relative age and existence ought to be considered. The one was a nation of ten centuries, and the other emphatically of one. It is no answer to this argument to say, that we were the vigorous offspring of the older country, and started into life with all that vitality which gives an impulse to the maturity and growth of the mother country. This is not true. A knowledge of the sources of wealth, which we might have learnt by her precepts, or even example, are widely remote from that gradual accumulation of capital, which is the result of labor and skill. Our forefathers came here without money—they did not find it in the bowels of the earth, but they wrung it from our soil and our seas by the grasp of an untiring and persevering industry. If, therefore, all the circumstances be taken into account, there would be no difficulty, he believed, in proving that the progress of this country in the accumulation of capital, had been *much* greater than that of Great Britain, in the same period. It was true that the *indicia* of this accumulation would be dissimilar, but that would not prove our acquisitions were less valuable. From the peculiarities of our situation, both in reference to the extent of our territory and seas, this accumulation had a natural irrepressible tendency to agriculture and commerce, to the opening and cultivation of extensive fields, and to the building up a tonnage that was now second to none but that of Great Britain, and which, in spite of all that had been said, was increasing more rapidly than her own. In that country, with a small territory and dense population, the accumulations of capital, on the contrary, take their direction to manufactures, and this entirely independent of the force of legislation; for human laws are but feeble instruments in comparison with the force with which the whole economy of human things obey the dictates of nature. It was, indeed, an absurd hypothesis, that the country had not grown rich, because its fixed capital had not been invested in spindles and looms, as if they, according to the creed of a certain set of economists, constitute the only true wealth.

Now, Mr. H. said, he would take occasion, as the most appropriate place, to remark, that the difference in the extent of territory and density of population between the two countries, in determining the price of labor, had produced the real difference in the exhibition of their separate industry. And whilst these causes would give to us, forever, a decided advantage over Great Britain in agriculture, and, ultimately in commerce, they would, nevertheless, secure to her, for a long series of years, a superiority in manufactures. These facts would be obvious, by referring to statistical tables, that were accessible to all. In reference to population, it was to be observed that, whilst we have not any thing like five persons to the square mile, in East Flanders there are 554 persons. In West Flanders, 420. In Holland, 362, and in England, distinct from Wales, 232. If, therefore, the old thirteen United States possessed the population of England, our numbers would exceed one hundred and thirty millions. It was not, therefore, surprising, that the price of labor should be eight times as high in this country as in Flanders, and four times as high as in England. The accumulation of capital in manufactures is the joint result of a comparatively small territory, dense population, and surplus capital. The whole secret was, in one word, to be found in the price of labor. There is, in fact, a species of mechanism, which is still in great demand in our country, a demand that exceeds the supply, and this the noblest of all machines, man. Thus it is, when we come into competition with those nations that have a greater quantum of population than ourselves, we must be undersold, and consequently accumulate less capital. Where labor-saving machines can be used, by the intervention of inanimate agents, the reverse may be true, from the extraordinary ingenuity which characterizes the enterprise of our people.

The honorable Speaker, apparently fascinated by a contemplation of the successful industry of England, has rather attributed the results of this industry to her legislative regulations, and seems to insist, that her prohibitions and monopolies have principally contributed to that prosperity which he has made the theme of his eloquence and praise.

To determine, *a priori*, as to the causes of national prosperity, is, perhaps, after all, one of the most difficult problems in political philosophy. But the discovery that Great Britain owes a large portion of her wealth and power to her restrictive system, may be well calculated to excite surprise. If wealth is, indeed, the result of this species of legislation, we need no longer sigh for the faculty of transmuting every thing into gold. Nothing is more easy, if the majority will it, than to pass an act, cutting off all our intercourse with the rest of the world, by prohibiting their products, and we shall then, indeed, have reached "that millenium which is celebrated in the hosannas of the monopolists." We shall then command "our own consumption;" "for imports," those curses of national prosperity, "will then cease"—a cabalistic phrase of the most ominous import, which is no where so well understood as in China.

One who may be disposed to speculate on the causes of the wealth and power of Great Britain, will no doubt save himself a vast deal of trouble, by opening her statute book, and, in the compass of a few pages, find in her bounties, drawbacks, and prohibitions, the true secret of her prosperity. This embraces a more easy chain of reasoning, than to consider the thousand peculiarities resulting from the climate, insular situation, population, and internal resources of England—resources which, by the means of an immense marine, have been nourished by the other three quarters of the globe, not only by the profits of commercial intercourse, but by military appropriation. And here is offered a fair occasion to advert to the fallacy of the estimate of the Speaker, (Mr. CLAY,) who, in giving, from statistical data, a view of the great resources of Great Britain, founded his calculations upon the population of the United Kingdom, at twenty-four millions; taking ours at ten, he was able to work a sum which left his own country somewhat in the vocative, but it was important to the success of this argument, that the whole external and colonial population of Great Britain should be omitted. No account was taken of the millions that are subject to her sway, in Asia, Africa, and America, who are her consumers on her own terms, and who are paying countless subsidies to her resources. Not a wave of the Ganges rolls to the ocean that does not bear some tribute to her wealth or her power. But the foundations of this power were laid long before Great Britain was a manufacturing nation, when, indeed, she imported almost all her manufactures from the Continent. The statesman who finds in her prohibition of the export of wool, and her corn laws, the true sources of her greatness, has discovered, indeed, the royal road to mathematics. But it is, to say the least of it, not a little singular, whilst the honorable Speaker is insisting, in this House, that the prohibitory system of England has mainly contributed to her wealth and greatness, that Lord Liverpool should, in St. Stephen's, be holding precisely opposite language. This is not all. Every intelligent statesman in the Parliament of Great Britain, no matter whether in the Opposition, or on the Ministerial benches, deplores, as a serious misfortune, the very restrictions which we are about to rivet on our country. This portion of the argument has been so entirely occupied by the gentleman from Massachusetts, (Mr. WEBSTER,) that, Mr. H. said, he was not willing to weaken the force of what that gentleman had said, whose statements were confirmed by every arrival from England.

Notwithstanding all that has been said in this country, and in this House, in reference to the magic wonders which the exorbitant or prohibitory duties of Great Britain have worked, in the productive industry of that country, the honorable Speaker might have found, in the very author of which he has made such frequent and copious use, a paragraph which is pregnant with instruction, and shows at least that the honorable gentleman is, in some points, even at issue with his own authority. In Lowe's "Present State of England," (a work, by the way, which, taken as a whole, furnishes an argument rather against, than in favor, of the restrictive system,) p. 168, he commences a section with this significant interrogatory:

"*Are our manufactures actually benefited by protecting duties?* That such is the case, and in a very considerable degree, too, is the opinion of the majority of our agriculturists. It is true, however, only in a slight degree, as soon will be apparent from the following facts. The total value of British manufacture, annually prepared, whether for home consumption or export, was computed, in 1812, by Mr. Colquhoun, at £123,000,000. Since then, their quantity has greatly increased; but, as their price has received a material reduction, we shall probably deviate little from the truth, in assuming that sum as a fair representation of their aggregate value. But, of this very large amount, more than £80,000,000 consist of the three great articles of cottons, woollens, and hardware; none of which receive protection from custom duties, our manufactures being enabled, by inherent advantages, to repel foreign competition, and even to meet our rivals in their own markets. Thus, our cottons are cheaper than those of France, Germany, or the Netherlands, from various causes—the import of the raw material is somewhat less expensive, our machinery is superior, our supply of fuel more abundant, and the capital employed subject to a less heavy charge of interest. In hardware, we possess a similar advantage in point of fuel and capital, with farther aids in the carriage of the ore by water, and in a subdivision of labor, to which the Continent in no degree approaches. If, in woollens, our superiority be less decisive, and if the quality of cloth be more substantial, the fact is, that, from our power of giving long credit to Americans, and others, we as yet retain possession of most of the foreign markets."

From this passage, it would appear that Lowe is by no means as well acquainted with the true source of the manufacturing success of his own country, as our politicians. He has the folly to attribute this success to the capital, population, fuel, subdivision of labor, and internal navigation of England; we have the wisdom to trace these effects to a few exploded regulations, which would now render any man in the House of Commons a laughing-stock, if he were to attempt to uphold them. The conclusion to which I wish the Committee to arrive on the force of this unexceptionable authority, is that, in reference to the three great articles of woollens, cottons, and hardware, the custom-house duties of Great Britain furnish no protection to the manufacturer, from the causes which Lowe has unfolded. And here it will be important to observe, that, in those manufactures which England has endeavored to protect by a series of duties amounting to prohibition, her failure has been the most signal. The fact was so fully illustrated by the gentleman from Massachusetts, from statements as copious as they were authentic, that he should not trouble the Committee with a recital of authorities that have already been so judiciously urged. Mr. H. said, he would close, therefore, this part of the argument, with this remark, that the cause of the failure of the results of any kind of labor, be it manufacturing or otherwise, is very frequently to be found in the effect of a system of bounties, of which high protecting duties are a species. They operate, in fact, as a premium to indolence and a want of skill, and, if combined with the absence of competition, (which foreign importations can only steadily sustain,) they convert all the monopolists that they create, into so many tax-gatherers, who levy their contributions on their own terms. The cause of all this is to be found in a principle strongly radicated in the human mind, the true law of its mobility and power, that success in any given branch of industry will always bear an exact proportion to the intensity of the competition of those who are engaged in it. This is true in arms, philosophy, mechanic arts, and letters. The principle is in nature; we cannot extirpate or control it. Exceptions to the rule do not affect its general truth, which is sustained by the almost invariable experience of life.

The honorable Speaker, after descanting with his usual eloquence on the resources of Great Britain, (which he attributes, as has been before said, to what he is pleased to call her protecting policy,) has felt the necessity, in recommending this scheme of government for our adoption, to make some provision in his argument, for the objections which might be urged against it, in reference to the internal taxes, to which high or prohibitory duties, such, indeed, as those contained in the bill on your table, would necessarily lead. And, although, Mr. H. said, he did not dream for a moment that the agriculturists of this country would submit, for any length of time, to the burdens of an excise, to pamper the avarice of a corps of monopolists, yet, as the Speaker had not contented himself with palliating the system of British taxation, but even, in combination with the poor-rates, had made it the theme of his praise, it might be worth a momentary inquiry to ascertain what burdens the people of England bear, in all the multiplied forms of imposts, assessments, and excise. Mr. H. said, he would not fatigue the Committee by any details; the aggregate involved in the proposition was enough for his purpose. He should not deem it worth his while to lay any stress on the difference in the public debt of the two countries, although the most enthusiastic eulogists of England might, perhaps, be able to discover some difference between a debt of eight hundred millions sterling, and one of twenty-four millions sterling; between a debt which it is fully within our power to extinguish, without impairing any of the valuable institutions of the country, in the short period of nine years, (at least, if the bill on your table does not become a law,) and a debt whose final reduction baffles all human calculation, and must be regarded, even by the statesmen of England, as a problem as hopeless in its probable result, as it is inscrutable in its character. In reference, however, to the difference in the actual taxation of the two countries, it is of a nature so widely at variance, that it is impracticable to compare them with any logical or financial accuracy. It has hitherto been the distinguishing felicity of this country that we have been almost entirely exempt from the pressure of taxation, as this word of fearful import is practically understood in Europe. This, perhaps, has been as much the result of the mode by which the national revenue is collected as of the specific lightness of the burden. This scheme, by which our contributions are obtained through the medium of imposts at the custom-house, may well be described as one of the most beautiful contrivances of modern times, and as a mode of assessment peculiarly adapted to a Government like ours. If we were called upon to say what two principles in our institutions were most homogeneous to their character, we should certainly answer, our exemption from a Church establishment, as connected with State, and this mode of levying the public burdens, by which coercion, its harshest feature, is taken from taxation, and the contribution is not only exactly proportioned to the ability, but the inclination of the individual. In other words, an individual is compelled to pay in the way of consumption no more than he is pleased to pay, and in effect he may be said to levy his own tax.

The patriot who desires the immortality of this confederacy, cannot offer up a more appropriate prayer, than that this scheme of financial polity may be perpetual. But, in England, by what a widely dissimilar process are the public contributions levied! Whilst the amount raised by customs is eleven millions sterling, the whole amount of her taxation is equal to sixty-four millions under the various heads of assessed taxes, stamp, excise, &c. The excise, the most onerous of all—extorting from the people, by its inexorable gripe, twenty-nine millions sterling; a sum considerably more than one-third of the whole amount of her taxes, which aggregate is equal to the enormous sum of 25 per cent. on the total national income.

But the process of reasoning, by which the honorable Speaker makes out that we, in fact, pay, *per capita*, a greater amount of taxation than is paid by the people of England, is, to say the least of it, an amusing fallacy, Could the honorable Speaker make out his statement, to the satisfaction of the English Chancellor of the Exchequer, there is little doubt that it would be applauded as a novelty, not less than the discovery of the longitude. But, notwithstanding our proneness to believe to be true, whatever is agreeable, we must think the gravity of Mr. Robinson or Mr. Huskisson would be very seriously invaded, if the notable secret was unfolded to them, that, in effect, the tax paid by each subject of Great Britain was equal to three shillings and seven pence sterling, while the tax paid by each soul in the United States was four shillings and six pence sterling.

The process by which this result is established is as ingenious as the conclusion itself. The honorable Speaker puts down, as tax payers, the labor-saving machines of England, which he estimates as equal to a population of at least two hundred millions, to which he adds the real population of twenty-one millions five hundred thousand; the public burdens he then divides, not among the payers, the 21,500,000, (a number much beyond those who do actually sustain the public burdens, as will be presently demonstrated,) and thus, by a calculation altogether gratuitous and conjectural, puts down our labor-saving population of ten millions, passing an aggregate to our credit of twenty millions, in this most extraordinary sum. Without stopping to inquire how any man, who had not the arithmetical combination of Sir Isaac Newton, the patience of Job, and the age of Methusaleh, could be able to calculate the relative power of population, to every horse, ox, stream, mill, water wheel, and every other mechanical agent, in that country, as well as in our own, it is a sufficient answer to this argument, to observe, that as these inanimate contrivances neither eat nor drink, they are at least beyond the friendly touch of the malt, salt, or beer excise. And, therefore, the very subject forbids the calculation, or renders it perfectly unavailing.

From Lowe's tabular statement, from which the honorable Speaker has taken his estimate, it would be seen that the burden paid by each person in England is equal to three pounds two shillings sterling. In this calculation the tax receivers, as well as the tax payers, the paupers, pensioners, and placemen, are included. If these were deducted, how different would be the result of the sum; it would make the burdens upon each actual payer equal to ten pounds.

Our taxation is also put down at nine shillings *per capita*, a sum which may be demonstrated, perhaps accurately enough for the books of the custom-house; but who feels this tax? For we may be assured that after all, the weight of a pecuniary burden is better ascertained by the pockets of the people, than by the reveries of a financier, however ingeniously he may work his dead reckoning. A tax is more surely measured by sensation than figures.

To the ingenious tribute of praise which the honorable Speaker had paid, not to the resources of Great Britain, but in some degree to the means by which they were extracted, he could only say, that, whilst he wished his country in possession of these resources, he would not consent to take them, with the scheme of taxation by which they are brought forth and ascertained. The honorable Speaker, aware, however, that by adopting a system of commercial restriction, which would diminish our revenue from imports, a resort to internal taxes would be inevitable—he very wisely smoothed the way for the entry of what might be to a certain degree, the concomitant of his parental "American policy." The excise! Which he tells us he contemplates with any thing but feelings of alarm and consternation. One might almost say that he looks at this monster, whom we are about to domesticate, with the same complacency that a philosopher would survey a mammoth, in speculating on his bones and magnitude. He differed altogether from the Speaker, in believing for a moment that this terrible and vexatious inquisition would be borne by our people—an inquisition that in England is unmatched by any thing that even religious bigotry, in its infernal conceptions, has imagined to vex and annoy its victims, in the shape of a pragmatic interference in all the ordinary concerns of life. It contains within itself a multiform and pitiful despotism, that may be well said to knock at every man's door, to wait at his elbow, to weigh in scales of the greatest capacity, and minutest subdivision, every morsel of human subsistence that he puts in his mouth.

It is by the great powers of extraction this happy contrivance possesses, which at once unites the suction and flexibility of an elephant's proboscis, that these great resources are brought forth, on which the honorable Speaker has so largely descanted—a contrivance which extorts from a single article, be it the "poor man's salt, and rich man's spice," a sum nearly equal to the entire expenditure of our Government. Yes, this ingenious piece of mechanism lifts out of the pockets of the people of England from twenty-nine to thirty millions sterling annually—an amount considerably beyond our funded debt; which sum, to use the language of Lowe, "bears on the comforts of life, and interferes, more or less," "directly with the extension of productive industry."

Mr. H. said, in concluding this notice of the Speaker's theory of taxation, positive and comparative, he could not resist the temptation of quoting from a writer whose views on the subject of British taxation were somewhat at variance with those of that gentleman. Mr. H. said he was aware he was now touching on tender ground, for he was about to name a reviewer, a personage who had fallen under the sneers both of the Speaker and the Chairman of the Committee on Manufactures. Nevertheless, he would venture to quote from Mr. Jeffrey, and present, for the amusement of the Committee, one of the most graphic, and he believed faithful pictures, that truth and wit had ever concurred in producing. Mr. Jeffrey says, that the unfortunate Englishman pays "taxes upon every article which enters into 'the mouth, or covers the back, or is placed under 'the foot; taxes upon every thing which it is 'pleasant to see, hear, feel, smell, or taste; taxes 'upon warmth, light, and locomotion; taxes upon 'every thing that comes from abroad or is grown 'at home; taxes on the raw material; taxes on 'every fresh value that is added to it by the in'dustry of man; taxes on the sauce which pam'pers man's appetite, and the drug that restores 'him to health; on the ermine which decorates 'the judge, and the rope which hangs the crimi'nal; on the poor man's salt, and the rich man's 'spice; on the brass nails of the coffin, and the 'ribands of the bride; at bed or board, couchant 'or levant, we must pay. The school-boy whips 'his taxed top; the beardless youth manages his 'taxed horse, with a taxed bridle, on a taxed road; 'and the dying Englishman, pouring his medi'cine, which has paid 7 per cent., into a spoon 'which has paid 15 per cent., makes his will on 'an £8 stamp, and expires in the arms of an 'apothecary, who has paid the license of an £100 'for the privilege of putting him to death. His 'whole property is then immediately taxed from '2 to 10 per cent. Besides the probate, large fees 'are demanded for burying him in the chancel; 'his virtues are handed down to posterity on taxed 'marble, and he is then gathered to his fathers to 'be taxed no more."

Mr. H. said he would not detain the Committee by dwelling on the pauperism and poor rates of England, although he might well be tempted to do so from the example of the honorable Speaker, who had found even something to commend in these stupendous evils. He would more especially refrain from this discussion, because he could not entirely attribute these calamities to the restrictive system of Great Britain, although they were ascribable, in no inconsiderable degree, to the sudden and tremendous fluctuations in the price and demand for labor, to which manufactures were peculiarly liable. He would take occasion to say that, in spite of the honorable Speaker's fervid encomium on the British system, which he wishes to naturalize as an American policy, that there must be something radically wrong in the polity of any country where one-sixth of its population is in a state of vagrant mendicity, depending for their bread on the other five-sixths.

When our landholders support, at a cost exceeding the revenue of our country, between two and three millions of outcasts, sunk into the lowest condition of human degradation, whose vicious habits and unparelleled debasement require the compass of a volume of 168 pages to detail, and whose infernal orgies surpass, in their moody horrors, all that the genius of Dante or Milton has conceived when most fertile in a loathsome sublimity, we might be, indeed, prepared for the lament which has been so piteously sung, of our "industry paralyzed, our unavailing labor, decreasing capital, bankruptcy, and ruin!"

The honorable Speaker, after disposing of these topics, comes at length to the consideration of the diseases under which the country is laboring. The disease which he has discovered is remarkable enough, but his remedy is no less curious. It is at least, according to his own showing, "a plethoric ill;" for in his own words, the fatal infirmity which is bringing us to the brink of the grave, "is, that our production exceeds our consumption." By which we are to understand, that, in reference to subsistence, we raise more than we can consume or can sell at exorbitant prices. For no man will pretend to assert that the price of wheat and every species of bread-corn does not bear a strict relation to the price of every thing else which we can have to sell, and must be so, from the immutable principles of exchangeable value. What, however, in reference at least to subsistence, is regarded as a great blessing in other countries, is considered as a curse in this—that the poor man's bread should be cheap, and attainable by the smallest sum of human labor. It is from this part of the Speaker's argument that it can be demonstrated that the scope of his "American policy" is to make bread dear and labor cheap—that is to say, that the farmer and the master manufacturer, between them, may grind the laborer down to their own terms. He complains that there is too much labor directed to agriculture, and too little to manufactures. The consequence must be, that there is an excess of subsistence and deficit of hands for manufactures; by which, as a matter of course, in reference to the latter, wages are too high. He then puts the case—"Suppose five hundred thousand hands were drawn from agriculture and directed to manufactures; what a market would it open to the farmer!" This may be admitted, but mark the result. The competition for employment among the five thousand would necessarily tend to lower the rate of wages, whilst their subtraction from agriculture, if it operated as the honorable gentleman calculated, is to increase the price of subsistence. If this last expectation is not realized, there is no lure held out to the farmer to embark in an experiment, the burden of which, he may be assured, he will, in the end, have to bear. But the probable consequence resulting from this project is, that whilst the price of labor would be diminished, the price of agricultural products would remain the same—at least uninfluenced by the home supply and home demand. It has been justly said, that the surplus of grain exported, however little that surplus may be, is the measure of its price. It has been moreover with equal accuracy remarked, that as long as land is so cheap, the price of grain will bear an exact proportion to the price of labor, adding merely the interest on the capital vested in the land, necessary for its production. In a grain-growing country, like this, it is a gross fallacy to suppose that the farmer can ever receive the exorbitant prices which he has obtained for his grain, except from the wants of other countries, or from a comparative famine in his own—the result of unfavorable seasons. The truth is, that wheat is as high now as any thing else in the market; and if it has fallen fifty per cent., so have lands and houses, ships, cotton, and all the other articles of human use and employment. But, for the sake of argument, admit that there is this large surplus of grain rotting on our hands, as the honorable Speaker is pleased to remark. Is not a country comparatively happy, that its surplus should consist of the primary subsistence of life, by which bad seasons and the sudden exigencies of war may be corrected? How different is the situation of a country whose surplus consists of manufactures, (an evil that has often befallen Great Britain, and is amply illustrated by her experience,) which a starving population cannot eat!

The next remark of the honorable Speaker is, "that England takes from us about five millions sterling value of cotton, out of which she makes twenty-two millions." By which we are to understand that the precise amount of her profit is the precise amount of our loss.

There might be some force in this argument, if it could be proved that the very instant the five millions value of cotton reached England, that moment, by the wand of enchantment, it was converted into twenty-two millions sterling, and which conversion might have taken place, had we kept it at home. But, when it is considered that England has to vest in fixed capital and labor, in fact, a larger amount in proportion, to produce the twenty-two millions, than we have to raise the five millions, what becomes of the triumph of this discovery? It only proves that we find it more advantageous to raise the raw material, than to manufacture it. To remove all sort of doubt or difficulty from this argument, it may be illustrated by a plain example. A planter at the South has vested in lands and negroes a hundred thousand dollars, by which he makes two hundred bales of sea-island cotton, which sells for $15,000, giving him a profit on his capital, after deducting expenses, of 12 per cent. A manufacturer who works up this cotton, may produce a value infinitely increased, but he has had to vest a larger amount of capital, and so employ a greater quantum of labor, when all of which are deducted, his profits cannot, in the long run, exceed those of the planter. That they probably will be less, it proved from two facts: that the rate of interest and the price of labor are higher in this country than in England.

It might be admitted that the honorable Speaker could make out his proposition, if we had actually existing in our country, languishing for the want of employment, an amount of fixed capital, and labor necessary to work up these five millions sterling value of raw cotton; but, when the reverse is precisely the case; when, in fact, all the capital we have is beneficially employed in the existing channels of agriculture, commerce, and manufactures; when we have, in spite of all that has been said, no idlers, except those whom disease or immorality has doomed to mendicity; when the departments of human industry are full; when no man is a drone, except through his own perversity; when, in fact, labor and subsistence are in a wholesome and exact proportion to each other; what possible solidity is there in this argument of the Speaker's, of which it might be said, that it is destitute even of plausibility, but for the characteristic ingenuity with which it has been urged?

The discussion of this subject, Mr. H. said, brought him to canvass, in the natural order of the Speaker's argument, a point in which he was willing to confess he felt the most lively as well as the most profound interest. Although not a cotton planter himself, yet it was his peculiar fortune to represent that portion of the State of South Carolina engaged in the production of sea-island cotton, a section that had more staked in the desperate and unholy game about to be played, than any other part of this Union. He would, indeed, prove recreant to his trust if the topic did not challenge his keenest sympathies and best exertions. That the Committee might form some estimate of the value of this branch of the industry of South Carolina, he would bring a few facts to their notice; for, it was by the cultivation of this beautiful staple which unites in itself the valuable properties of silk and wool, that riches and comfort had been lavished on that section—a region that was not, however, exempt from that depression in the value of property and the price of its products, which was common to the whole country. Yet, this cultivation had done so much for its inhabitants, that it was not surprising that they felt such an intense interest in the continuance of its profits. It had reclaimed from a fast-coming poverty worn-out fields, which had been for many years appropriated to the ill requited cultivation of indigo; and, as if by the work of enchantment, transferred wealth and abundance to those spots which seemed to have been cursed by the fiat of nature with an irremediable sterility.

Mr. H. said that he could, if he were not afraid of exhausting the patience of the Committee, refer to the statistics of an island, which formed a portion of the district he represented, to illustrate the incalculable value of this staple, and the miracles he might almost say its production had effected. This spot was the Island of Edisto, which, as would be seen by the map of South Carolina, was about forty miles south of Charleston. Thirty-five years since, it was inhabited by a few planters, who were engaged in the culture of indigo, and who wrung, by hard industry, from a reluctant soil, a scanty subsistence. Then the largest income which any one planter was able to realize scarcely exceeded a thousand pounds sterling; now, by the introduction of the long staple cotton, he knew one individual whose crop had sold for fifty thousand dollars per annum. This island, scarcely twelve miles long and four wide, was then inhabited by six or seven planters; it is now almost as thickly settled as the State of Connecticut, and exhibits, in the sobriety, moderation, religious and moral worth of its inhabitants, a singular example of triumphant industry. It would be here that Franklin might see, if he were alive, a beautiful illustration of his thousand wise and frugal maxims. Mr. H. said that he had selected an individual picture, to bring home to the Committee, more emphatically, a knowledge of what the cotton culture had done for his country, although his remarks were applicable to a large portion of the Sea-Island district of South Carolina. It was, nevertheless, true, as he had remarked, that the planters in this section shared in that depression which is common to every department of the industry of the Union, excepting those from which we heard the most clamor for relief. This would be understood when it was known that Sea Island cotton had fallen from fifty or sixty to twenty-five cents—a fall even greater than that which has attended wheat, of which we have heard so much; as if the grain-growing section was the only agricultural interest which had suffered. But, nevertheless, the market of England for this staple, was of vital importance; it was not, therefore, strange that the apprehension of the passage of the bill before you had carried into the hearts of this portion of our common country, the emotions of dismay and bitterness. They perceive the whole value of their labor menaced by a probable destruction of the existing market for this staple, which is better adapted to the soil and climate of the seacoast of South Carolina, than any other that can possibly be cultivated. Whilst the planters of this region do not dread competition in the foreign markets on equal terms, from the superiority of their cotton, they entertain a well founded apprehension, that the restrictions contemplated will lead to retaliatory duties on the part of Great Britain, which must end in their ruin.

Mr. H. said, that he could not better express their fears on this subject than to read to the House an extract from an able and feeling memorial which he had some weeks since the honor of presenting from the citizens of Beaufort, South Carolina. A single paragraph would be abundantly sufficient:

"Your memorialists would respectfully observe, that, engaged in common with their fellow-citizens of the South in agricultural pursuits, they are the cultivators of that species of cotton for which, it is notorious, the manufacturing establishments of our country furnish no demand whatever; that the quantity of fine cotton, annually produced, is already beyond the consumption of Europe; that, with all the markets of Europe open to them, the staple (for which alone their lands are calculated) is depressed to the grievous injury of the planters; that to them, (whatever it may be to others of their fellow-citizens engaged in cultivating the inferior cottons,) the loss of a foreign market would be the annihilation of their income."

I know, said Mr. H., that these fears are treated here as idle and visionary, and that the honorable Speaker has triumphantly asked, "whether Great Britain would have the folly materially to interdict the import of our cottons, from which she makes, annually, upwards of twenty millions, because we imposed an increase of duty on about a million and a half's worth of the manufactured article returned to this country?" In the first place the Speaker has fallen into an error in his estimate. The bill before you provides for the imposition of an increase of duty almost prohibitory in its character on seven millions of our imports of cotton goods from Great Britain, and has a direct operation on thirteen millions of other articles which we take from her. But the Speaker assumes as a fact what his experience as a statesman should have taught him some caution in adopting; that nations invariably pursue a policy dictated by the most enlightened views of profit and advantage, and that they never sacrifice any thing to caprice or resentment. Mr. H. said he feared that the very measure now under discussion was about to illustrate the truth, that there was no folly, however stupid and perverse, into which nations, as well as individuals, were not prone to fall, either from vanity or passion, or that misguided avarice, which invariably "doth o'erleap itself."

In relation to our Upland cottons, Great Britain may, without difficulty, in the course of a very short period, supply her wants from Brazil—to facilitate which, all the ancient relations of a favored intercourse with her steadfast ally, Portugal, would be at once subservient. When it is recollected that Brazil produces a cotton which occupies an intermediate place between the Sea Islands of Georgia and South Carolina, and the Uplands of New Orleans, which the daily improvement in machinery is bringing nearer to the former, as to most of its uses, and that there is in this fine region, stretching through thirty-five degrees of latitude, from the Equator, a section of country admirably adapted to the cultivation of this staple, greater in extent than the whole Atlantic States of this Union, the reasonableness of our apprehensions may be estimated, as well as the gross impolicy, by injurious duties on our imports from England, of driving her, either from caprice or interest, to seek other adequate sources of supply. How long the exclusive production, even of the Sea Island cotton, will remain to our country, is yet a doubtful and interesting problem. The experiments that are making on the Delta of the Nile, if pushed to the ocean, may result in the production of this beautiful staple, in an abundance which, in reference to other productions, has long blest and consecrated Egyptian fertility. But, the circumstance that many of the costly articles of luxury which are now made of Sea Island cotton, can be manufactured of silk and flax, coupled with the fact of the great efforts which are making in Great Britain to encourage the former establishments, not by bounties and monopolies, but by their destruction, (for these remedies are regarded there as vile quackeries,) will tend emphatically to prove that the present is an awful crisis in the cotton trade of the country.

We are told by the honorable Speaker, that our manufacturing establishments will, in a very short period, supply the place of the foreign demand. The futility, I will not say mockery, of this hope, may be measured by one or two facts. First, the present consumption of cotton by our manufactories, is about equal to one-sixth of our whole production, not very much exceeding 80,000 bales; whereas, the crop of 1824 may be fairly estimated at 600,000 bags. How long it will take to increase these manufactories to a scale equal to the consumption of this production, he could not venture to determine; but, that it will be some years after the epitaph will have been written on the fortunes of the South, there can be little doubt. But suppose, for the sake of argument, that the whole of the cottons of the South could be worked up in this country, where will you find a market for the articles manufactured—not at home; for, of the 448,211 bales of cotton which Great Britain purchased of this country, between the first of January, 1823, and the thirty-first of December, 1823, she has sent back to us, according to the best calculations, in the shape of manufactured articles, about 40,000 bags. Suppose, however, that our home consumption be equivalent to 140,000 bales, (which is an enormous estimate,) where are you to find a vent for the articles manufactured of the 460 bags that will remain? In South America, the honorable Speaker tells us—but what a fallacy have we here! What! whilst we dread British competition on our shores, more than Hamilcar hated the Romans, we can, nevertheless, undersell England in foreign markets! Yes; whilst we are told that, for the very existence of manufactures that have been in operation ten or fifteen years, it is yet necessary to lay protecting duties of from fifty to one hundred per cent., we can, nevertheless, traverse the ocean, encounter freight and charges and duties in other countries, and compete with our old enemy, who is so much dreaded at home. How this is to be effected without a miracle, Mr. H. said he was at a loss to perceive, without our manufactures, like the Prophets of old, were more honored and successful abroad, than at their own firesides.

If there be any soundness in these views, it would lead us to entertain a very serious distrust of the belief that an imposition of high duties would not lead to retaliation. There was a general principle, which was so true in reference to the intercourse of nations, that it might well be denominated an axiom, which was, that no trade could be supported long between them, in which there was not a mutally beneficial exchange of their seperate products. It is true there was one exception to this rule, which rather went to prove its truth, and that was, the trade with China. This trade was continued, because tea was the exclusive product of the latter, and, consequently, that China might always dictate the medium by which the exchanges for this article were to be effected; but, if tea could be obtained in any other quarter of the globe, this intercourse would have to yield to the universal laws of trade.

Mr. H. said that he protested against any inference being deduced from these remarks, that he considered the trade with China as injurious. He knew the reverse to be eminently true. In connexion with this topic, he would take occasion to observe, that he would as studiously abstain from discussing the balance of trade, as he would the history of witchcraft, as the former was just as absurd and exploded a folly as the latter. The time was fast approaching, when it would be quite as great a reproach to the understanding of a statesman, to indulge in the absurd dogmas of the one as the other. It was, however, a fact not to be concealed, that a direct trade, carried on by specie, was very often the most profitable, for reasons which appeared to him altogether satisfactory. In the first place, specie must be obtained by a product which a nation must gain by the engagement of its own industry. By the conversion of this product into money, a fresh and additional value has been effected, if the exchange has been conducted with skill and sagacity. When, therefore, a purchase is to be made with the specie thus obtained, the purchaser enters the foreign market with the power of promptly effecting his contracts and exchanges. The material which he uses in trade has been burdened with a light imposition of freight, is admitted without the payment of duties, and, being of universal use and currency, it can at once command its own value, without the delay and expense attending a trade which is carried on by the reciprocal sale and purchase of other raw or manufactured products. These truths were so obvious, that he felt ashamed, almost, to state them—but for the plaintive notes of the gentleman from Pennsylvania, (Mr. Tod,) that our country was fast sinking into a lethargy from this most "ruinous drain of specie."

Mr. Hamilton said that he had intended, but for the time he had already consumed, to have gone into a discussion for the purpose of demonstrating that the bill, so far from promoting what with propriety might be called the domestic manufactures of the country, was calculated to have precisely a contrary effect. When he made this remark he had reference to those innumerable mechanic arts which are carried on with such unrivalled success by our countrymen. The justice of this observation might be appreciated by taking for example two or three articles of prime necessity—iron and hemp. The bill provides for the grievous imposition of high duties on both these articles. For what purpose, as it respects the first of them? To help the countless artisans and mechanics that are engaged in working up this material, in all the various and minute modifications to which it is applicable? No. On them (where there is the largest sum of industry engaged) it operates as an onerous tax. The effect of the duty will be merely to pamper the overgrown wealth of those ironmasters, as they were indeed most significantly called, whose mines were in successful operation, or to give a sort of convulsive, temporary, and galvanic motion, to those that were sunk into a condition of hopeless insolvency. The true causes of the occasional success, as well as the general failure of the iron works of this country, had been so ably unfolded by the gentleman from Virginia, his estimable friend, (Mr. Mercer,) that, Mr. H. said, he would not detain the House by discussing a subject on which it was impossible for human ingenuity to cast an additional ray. When this article was taken in connexion with the burdens levied on hemp, their injurious operation against one description of our domestic manufactures might be easily estimated—and that was ship building. The memorials which had been sent from the several commercial cities, had very sufficiently proved the ruinous extent to which the shipping interest would be taxed. That the contemplated tariff would be equivalent to a tax of from seven to eight per cent. on the value of each vessel that might be built, these memorials established. A ship of 350 tons, according to the proposed rate of duty, would pay $1,341 75—not including the tax on a chain cable, which is $250 or $300—an amount of duty equal to the cost of an hempen cable, and therefore might be regarded as prohibitory of the former article. All this was of most pernicious pressure on a large class of laborers engaged in the building and equipment of ships.

Mr. H. said there was a radical error prevalent that manufacturing establishments, in other words, looms and spindles, were productive of a greater sum of human industry than any other investment of capital. He believed that ship building and navigation employed more of the labor of human hands than any other pursuit. When the various means by which a single ship is set in motion are taken into account, some estimate may be formed of the truth of this opinion. To illustrate it he would ask the attention of the Committee, whilst he read a statement which he had received from a merchant of the city of New York, of great intelligence and respectability, who informed him that "it requires fifty days work to build and equip and manufacture the articles in our own country for every ton of vessel.

> "Take, for example, a ship of 300 tons, and allow 120 days to build her, which is about the average time; multiply 300 by 50, makes 15,000 days labor, to manufacture her from the raw material, beginning with the timber in the forest; divide 15,000 by 120 days, the time required, gives you the number of people steadily employed to build ships of 300 tons, in 120 days time, which is 125 men.

"The capital required by a ship builder to carry on the whole manufactory, in its various branches, and to build 1,200 tons a year, would be about $25,000, and in that ratio, if he built more or less.

"Our yard built, this last year, 2,200 tons of vessels; consequently, if I am correct, has employed 110,000 days labor; and the average of the yards, I should think, would be about 60,000. There are eight yards in this city which manufacture vessels. Five or six, probably, would average as above—say five; 60,000, multiplied by 5, would be 300,000 days labor, in one year, in these yards, and would be equal to the employment of 2,500 men steadily in the various parts of the manufactory.

"The above is distinct from the labor necessary to sail, load, raise, and procure, and transport the loading, and the necessary repair for ten years. A ship of 350 tons, in ten years, will have cost as much for repairs as she did originally, when new; it requires an average of 60 men, steadily employed, to sail her, and keep her fit for use. It also costs 18,900 days labor to raise, bring to market, and fit provisions sufficient to maintain the men necessary to manufacture 1,000 tons of ship, and keep one of 350 tons steadily employed.

"The number of houses used by the men employed, and, consequently, the men employed to build those houses, as well as the provision required for them, I have not calculated, deeming it probable the above would give a general view of the immense manufacture of ships; and, when we look at it in a national point of view, it is of incalculable importance. The men are the most robust and hearty to be found, and a class always that will be most required should we have war.

"*Recapitulation.*—As I have stated, it requires 50 days labor to manufacture the ship and outfits, for each ton; 60 days labor, each ton, to sail, keep her in repair, load and unload, raise, and transport sufficient produce to keep her employed; and will require 28 days labor, for each ton, to raise and fit provisions for those men that are required to build, fit, sail, and repair, and raise the produce, to keep one ton of vessel steadily employed."

It is against this domestic manufacture, which has contributed so much to our wealth and glory, that this pernicious tariff strikes a reckless blow. The honorable Speaker (Mr. Clay) ventures almost to intimate that he thinks it a perversion of terms to call a ship an article of manufacture, which it has been so justly designated by the gentleman from Massachusetts, (Mr. Webster,) whose defence of the navigating interests of the prosperous city he represents on this floor, must entitle him to its lasting gratitude and confidence.

A ship, said Mr. H., is the *chef d'œuvre* of manufactures. Whilst, in its construction and motion, it sustains a greater amount of human industry than any other mechanical contrivance, it was at once the noblest triumph which man had achieved over the elements, and one of the proudest trophies of his genius. No one, but him whose soul is dead to every generous impulse, can witness this beautiful machine, riding with apparent supremacy over the boisterous main, (which but for the invention would have fixed impassable barriers to the intercourse and civilization of the human species,) without feeling new pride and exultation in the apparently indefinite capabilities of man. To an American, this spectacle is calculated to convey peculiar emotions. In a ship, he may see the emblem of his country's prosperity and power—an engine which has lavished wealth on our shores and glory on our name.

Mr. H. said that he had made such an unreasonable trespass on the time of the Committee that he was constrained to offer a very brief summary, in the way of reply to the remaining positions taken by the honorable Speaker. One of the most important of these was, that the passage of the tariff would, by the multiplication of manufactures, produce a steady demand for labor. If the experience of Great Britain furnished any instruction on this topic, it warranted quite a different deduction; for her manufacturing establishments supplied, of all her various branches of industry, the least certain demand for labor. This resulted from the very nature of things. The imposition of an import duty in a foreign country, on the article manufactured, or an abolition of its use by the very caprice of fashion, was calculated to disturb, very seriously, the uniformity of this demand. It had been very justly said, that a whim or freak in a Parisian belle, in laying aside a fashionable article of dress, had very often thrown thousands out of employment, and carried starvation and beggary in its train. The melancholy circumstances of distress so often exhibited in the manufacturing districts of England, afforded the best proof of this tremendous fluctuation. Nor is it absolutely certain, if the Speaker could see the capital of the country vested more generally in manufactures, that he would find a cure for those bankruptcies which he says have been of such frequent and fatal occurrence, and which he seems to consider as peculiarly incident to trade. In England, the failures among her manufacturers bear a high and undue proportion to the other business classes. A popular journal of our own country furnishes the following statement in reference to this topic: "We have taken 'up the first English magazine that came to hand, 'and out of one hundred and forty bankruptcies 'in the month from November 14th, to December 15th, 1821, twenty only were of mercantile 'establishments, and the other six-sevenths of 'every species of manufactures."

Mr. H. said, that in all that had been urged as objections to building up large manufacturing establishments in this country, on account of the morals and health of the people, (which were no insignificant items in the estimate of a patriot and statesman,) he fully concurred. That a few capitalists should control the votes of three or four hundred electors, he thought an evil exhibiting the most frightful portents. The answer which the Speaker had given to this objection was neither sound nor satisfactory—"that all large employments in which capital is used for the purchase of wages are liable to this complaint." In no branch of human industry has the employer, however, such a perfect dominion over the laborer, and in none is the latter so entirely dependent for his bread on the former. The very occupation, by a prostration of physical energy, begets a moral subserviency that fits the man for a slave. That taste must be vitiated, indeed, that would prefer seeing a fellow creature fixed down to a loom for sixteen long hours out of the twenty-four, emaciated and spiritless, a mechanical rather than an intelligent agent, whose mind does not travel one inch beyond the monotonous flight of his shuttle—to the contemplation of a healthy, vigorous, and independent husbandman, whose homestead, poor as it may be, gives him, in feeling at least, the independence of a monarch, and the spirit of a man. Mr. H. said that he would not detain the Committee by pushing the inquiry into this part of the subject, through all the affecting relations connected with it, in relation to the health and morals of a people engaged in manufactures. He would say nothing of the hecatombs of human beings that were offered up at the shrine of the Mammon that presides over these establishments, in the persons and fortunes of the unhappy children, scarcely released from the helplessness of infancy, that were brought to be devoured by this Saturn. The pictures which Southey has given of the horrors of Manchester and Birmingham, in which the poet was supposed to have blended no inconsiderable portion of misanthropy and spleen, will not long remain a questionable fiction on this side of the water. The recent discussion in the Legislature of a manufacturing State, (fruitless in its result, except in demonstrating the existence of the evils intended to be remedied,) whether provision should be made by law for educating the two thousand five hundred children imprisoned in these infernal charnel houses, is full of instruction, and shows that we are gradually and shall rapidly arrive (if this tariff is foisted on the country) at that condition when Espriella himself may travel through our manufacturing districts, and gather abundant materials for a fresh narrative.

Mr. H. said, that he had intended to have discussed the probable effect which the Speaker's "American and paternal policy" (all concreted and concocted in the bill before you) would have on the settlement, and consequent price of our public lands. He would spare the Committee this discussion, and make but a single remark—that it is perfectly obvious, if in large cities and small towns and villages, more especially on the Atlantic frontier, the population of our country becomes more concentrated, by the temptation which will be held forth of immediate employment at these points, by the establishment of manufactures, the stream of foreign emigration that has flowed with a full and prosperous tide to the West, will be seriously arrested. The pecuniary loss in the diminished value of the public lands, which would arise to the country, important as it might be, was perhaps insignificant in comparison with other considerations; and these considerations rendered the zealous and unbroken support which the gentlemen from the Western States had given the tariff an inscrutable problem. That portion of the Union could participate in no part of the bill, except in its burdens, in spite of the fallacious hopes that were cherished, in reference to cotton bagging for Kentucky, and the woollen duty for Steubenville. He feared, that, to the entire region of the West no "cordial drops of comfort" would come, even in the duty on foreign spirits. To a large portion of our people, who are in the habit of solacing themselves with Hollands, Antigua, and Cognac, Whiskey would still have "a most villanous twang." The cup, he feared, would be refused, though tendered by the hand of patriotism as well as conviviality. No—the West has but one interest, that is, that its best customer, the South, should be prosperous—that our revenue should be so ample as to preclude the necessity of any resort to internal taxation—that she should not be coerced in reference to her payments for purchases of the public land. He would go further and say, that, after making an adequate provision for the public debt, that this Government could not adopt a more wise and beneficent policy than to expend a part at least of the amount of the sales of the public lands in those great works of internal improvement which are so necessary to the proper development of the resources of that interesting region, and for connecting it by social and commercial intercourse, with every part of the Atlantic section. To enable us to be both just and generous, our finances from revenue must be unimpaired, and he undertook to say that the existing policy of the country would be sufficient for all its wants, both in relation to the public debt, fortifications, our Army and Naval Establishments, if not paralyzed by the odious measure under consideration, which would alone, he believed, prevent the funds arising from the sales of the Western lands being appropriated to the great and enlightened purposes he had indicated.

Mr. H. said, that the honorable Speaker had endeavored, among the other objections to the bill, to remove those to which it is most particularly obnoxious, on the ground of the fostering patronage it would afford to smuggling. High duties were invariably productive of this pernicious fraud. The spread of this vice would be infinitely extended by the influence of the opinion, that your legislation is partial and your imposts unjustifiably oppressive. If laws do not concur with the moral sentiment of the community, they are feeble instruments, and exist in your statute book as memorials of their own impotency. Prior to the American Revolution the injustice of Great Britain, resulting from the jealousy of her colonial system, led to the most skilful violations of the revenue, which it baffled all the power of her army on shore, and her marine on the coast, to prevent. The same causes will produce similar results. A sense of unmerited wrong inflicted on one portion of your Union, will lead even the virtuous to regard an indulgence in this offence at least with apathy, whilst its immense profits will prove an irresistible lure to the vicious. For the commission of this vice our coast furnishes the most extraordinary facilities, in its extensiveness, sparseness of population, and innumerable indentures by bays and rivers. The whole Navy of the United States, with an army of twenty thousand men, would be inadequate to the protection of the revenue, when you make it the interest of the worst portion of your people to embark in the hazards of these desperate yet profitable enterprises. Mr. Pitt, after trying every expedient which force and vigilance could supply, considered as hopeless any other remedy than a reduction of the duty on an article, in relation to which he desired to suppress smuggling. It is a remarkable fact in the administration of this statesman, that, having ascertained that the country consumed ten millions of pounds of tea, annually, and that only five millions were entered at the custom-house, he was induced to lower the duty 50 per cent.; the consequence was, that it ceased soon to be the interest of the smuggler to introduce this article, as the rate of duty did not cover the risk of its clandestine introduction. And the Minister was therefore rewarded, as the fruit of his intelligence, with a revenue from this article double in amount, and the custom-house returns forthwith concurred with the estimated consumption of the country.

It is not alone by the loss of revenue that smuggling is injurious; it raises up a class of men who are at all times dangerous to the peace and safety of the community. Men who are habituated to scenes of peril and daring, and tainted with "the accursed thirst of gold," which gives to their wickedness all the energy of courage, and to their efforts that perseverance which belongs to avarice. One of the best accounts he had met with of the peculiar character of these people, was to be found in a description given by Napoleon to O'Meara, of the smugglers at Dunkirk, which was to be found in the interesting sketches given by the latter of that extraordinary man, who, with all his other talents, seems to have shared with Tacitus the faculty of striking off at a moment the most powerful, faithful, and condensed delineations. With the Speaker's eulogium, eloquent as it was, of this remarkable individual, Mr. H. said he had neither time nor inclination to cavil. He would merely remark, that Bonaparte's continental system, on which that gentleman had lavished so much encomium, was now regarded, he believed, by the first statesmen of Europe, as quite of a piece with his expedition to Moscow. That both measures would go down to posterity as a reproach to the sagacity of that great man, he had no doubt. But he confessed that he considered the Speaker's complacent esteem of Napoleon's restrictive system, as rather an evil omen. It looked as if some more tremendous tariffs were yet in reserve, as the *ne plus ultra* of the "parental policy." The three principal authorities on which the Speaker has relied, have been Mathew Carey, the Emperor of Russia, and Napoleon. To give a finished analysis of a smuggler, and to show what sort of animal he is, whilst he would leave the Speaker in undisputed possession of the two first of these personages, he would borrow for a moment his last authority. It was in one of those delightful talks with O'Meara that this interesting exile observed—

> "During the war with England, (said he,) all the intelligence I received from thence, came through the smugglers. They are terrible people, and have courage and ability to do any thing for money. They had, at first, a part of Dunkirk allotted to them, to which they were restricted; but, as they, latterly, went out of their limits, committed riots, and insulted every body, I ordered Gravelines to be prepared for their reception, where they had a little camp for their accommodation, beyond which they were not permitted to go. At one time there were upwards of five hundred of them in Dunkirk. I had every information I wanted through them. They brought over newspapers and despatches, from the spies that we had in London. They took over spies from France, landed and kept them in their houses for some days, then dispersed them over the country, and brought them back when wanted. The police had to pay a number of French emigrants, who gave constant information of the Vendean party, Georges, and others, at the time they were preparing to assassinate me. All their movements were made known. Besides, the police had in pay many English spies, some of high quality, among whom there were many ladies. There was one lady in particular, of very high rank, who furnished considerable information, and was sometimes paid as high as three thousand pounds in one month. They came over, continued he, in boats not broader than this bark. It was really astonishing to see them passing your seventy-four gun ships in defiance." I observed that they were double spies, and that they brought intelligence from France to the British Government. That is very likely, replied Napoleon. They brought you newspapers; but, I believe, that, as spies, they did not convey much intelligence to you. They are terrible people, and did great mischief to your Government. They took from France, annually, forty millions of silks and brandy. They assisted the French prisoners to escape from England. The relations of Frenchmen, prisoners in your country, were accustomed to go to Dunkirk, and to make a bargain with them to bring over a certain prisoner. All that they wanted was the name, age, and private token, by means of which the prisoner might repose confidence in them. Generally, in a short time afterwards, they effected it; as, for men like them, they had a great deal of honor in their dealings. They offered several times times to bring over Louis, and the rest of the Bourbons, for a sum of money; but they wanted to stipulate that, if they met with any accidents or interruption to their design, they might be allowed to massacre them. This I would not consent to. Besides, I despised the Bourbons too much, and had no fear of them. Indeed, at that time, they were no more thought of in France, than the Stuarts were in England. They, also, offered to bring over Dumourier, Sarrazin, and others, whom they thought I hated; but I held them in too much contempt to take any trouble about them."

No man can add any thing to this picture. It was full of instruction, and it would always be a serious question with a nation whether they ought to adopt a policy calculated to legislate into existence such miscreants as Napoleon had described. The Speaker, however, complains, that all our employments are overstocked; that the proposed tariff will create new professions and departments of industry. But, after all, would not the renowned and ancient trade and mystery of smuggling be the only profitable avocation created? Its thrift will be unquestionable, and its votaries may, at last, pass for very worthy and patriotic men.

Mr. H. said there was one consideration to be borne in mind, which was inseparably connected with the measure under discussion, and that was, the utter impossibility of satisfying the monopolists engaged in manufactures, who were so clamorous for the passage of this bill, with any thing short of absolute prohibition. They had been, by steadily marching up to this point, gathering numbers, by cunning addresses to popular prejudice and feeling, from 1790, through the several revisions of the tariff, up to the present time. It was as easy to cater for a cormorant as to satisfy their greedy appetite for gain. Their industry, combination, perseverance, and identity of interest, rendered the whole corps more dangerous to the peace and prosperity of a community than even a full and well-organized detachment of smugglers. Their avarice invariably approaches under the guise of public spirit, whilst the unity of purpose with which they act, gives an overwhelming energy to their exertions. Committees of correspondence, public meetings, and the press, more prolific than the herrings of Norway, are all united, in a "holy alliance," to fasten on the country a system which, in taxing nine-tenths of the people, is to reward their pious and patriotic efforts.

Mr. H. said, that he had been indebted to Napoleon for a just delineation of a smuggler; he would now appeal to the writings of a great man for a full length portrait of a monopolist. He believed it would be admitted that Adam Smith knew something of this personage, for it was his good fortune to have been hated by all the patriots of the "protecting and parental policy" of his day, with a cordiality that was almost equal to the success with which he exposed their selfish hypocrisy. In the course of a vigorous and philosophical dissertation on this subject, he remarks:

> "To expect, indeed, that the freedom of trade should ever be entirely restored in Great Britain, is as absurd as to expect that Oceana or Utopia should ever be established in it. Not only the prejudices of the public, but what is much more incorrigible, the private interests of many individuals, irresistibly oppose it. Were the officers of the Army to oppose, with the same zeal and unanimity, any reduction in the number of forces, with which master manufacturers set themselves against every law that is likely to increase the number of their rivals in the home market; were the former to animate their soldiers in the same manner as the latter inflame their workmen, to attack, with violence and outrage, the proposers of any such regulation; to attempt to reduce the Army would be as dangerous as it has now become to attempt to diminish, in any respect, the monopoly which our manufacturers have obtained against us.
>
> "This monopoly has so much increased the number of some particular tribes of them, that, like an overgrown standing army, they have become formidable to the Government, and, upon many occasions, intimidate the Legislature.
>
> "The member of Parliament who supports every proposal for strengthening this monopoly, is sure to acquire not only the reputation of understanding trade, but great popularity and influence with an order of men whose numbers and wealth render them of great importance. If he opposes them, on the contrary, and still more if he has authority enough to be able to thwart them, neither the most acknowledged probity, nor the highest rank, nor the greatest public services, can protect him from the most infamous abuse and detraction, from personal insults, nor, sometimes, from real danger, arising from the insolent outrage of furious and disappointed monopolists."

Has not a portion of this picture been already realized in our own country, at the very commencement of this manufacturing millenium? Is not a man's reputation in Congress "for understanding trade" and finance, just in proportion as he may favor the tariff? Have we not heard "of master manufacturers inflaming their workmen to attack with outrage and violence the proposers of regulations calculated to defeat their profits?" Let the recent events at a public meeting at New York respond to this inquiry. In relation to this extraordinary and disgraceful event, it has been asserted that ruffians belonging to the manufactories of the neighboring towns were brought over for the purpose of overawing the deliberations of an assembly, convened for the purpose of protesting against the passage of the proposed tariff. This may be regarded as a fearful augury, indeed, of the path we are travelling—a path in which there is neither "pleasantness nor peace."

Mr. H. said, that his duty to those who gave him his warrant to be heard on that floor, would not permit him to disguise a single opinion which he entertained in regard to the pernicious character of the measure under consideration. His feelings did not allow him very nicely to measure his words. He would not travel out of his way to say an unkind thing, but for whatever he did say, even in the intemperance of his zeal, he was willing to be regarded as responsible both in this House and out of this House. Privilege with him should never be synonymous with protection and impunity. He would, therefore, speak of the bill and the manner in which it had been got up just as he believed they deserved. The first thing he should say, was, that he believed there had been more outdoor than indoor legislation, in regard to the measure. He feared that the sheet, now so fearfully filled up, had been, for some time before the commencement of the session, held up as a sort of *carte blanche* in which every monopolist might insert just such a tax as he wished levied on the community to encourage his pious labors. If he had understood correctly, all sorts of pilgrims had travelled to the room of the Committee on Manufactures, from the sturdy iron master down to the poor manufacturer of whetstones, all equally clamorous for the protection "of a *parental*, of an *American* policy." A friend, in whose veracity and accuracy he had great confidence, had informed him that he had seen, in a paper of one of the cities north of this, a letter from an umbrella maker, in which he boasted of his having successfully used his influence with the committee, to insert an increase of duty on umbrellas, in some way to encourage their manufacture.

Mr. H. said he would not stop to inquire whether one of these trips to the Seat of Government was as holy as a pilgrimage io Jerusalem or Mecca; but he nevertheless thought that a man might be more worthily employed at home than in journeys having for their object the transfer of other people's money into their own pockets, although the purpose might be most marvellously connected with great considerations of public utility, and the most lofty and spotless patriotism. Even if he was disposed to subscribe to the policy of the bill, he confessed he had serious distrust of its details. He believed that some one who had had the patience to count them, had ascertained that they consisted of nearly 300 items, on which an increase of duty has been laid. He understood that such a lumping revision of a tariff had never been attempted, even in England. There, no alteration in the existing duties ever took place, that was not proposed by the Chancellor of the Exchequer, after it had passed through the scrutiny of the Board of Trade. And even then merchants and manufacturers of intelligence and experience were examined in committee, or at the bar of the House of Commons, as to the practical operation of the contemplated change.

Now, it was a fact, he believed, of universal notoriety, that the Committee on Manufactures had not officially consulted the Secretary of the Treasury; and a bill, either most oppressively to increase or injuriously to diminish our revenue, is about to be passed, without his public sanction. This deficiency had not been supplied by the abundant knowledge of the gentleman from Pennsylvania, the chairman of the committee, (Mr. Tod,) who had been convicted, on more occasions than one, of a gross ignorance of the operation, bearing, and character, of this measure. If it was indeed destined to become a law, it would be some consolation for those who are to suffer from its effects, to believe that they are not the victims of a blundering blindness. The poor wretch who suffers amputation should at least be comforted, under the knife, with a belief that his doctor knows what he is at.

Mr. H. said, after having fatigued the Committee so much, he certainly would refrain from discussing at length the Constitutional question involved in the measure, which the Speaker had rather passed over, than treated with the seriousness it deserves. That the Constitution contains a specific grant of power to encourage manufactures, would not be contended. It has however been found under a power to regulate commerce and to levy imposts. That the framers of the Constitution intended under this clause to confer no such grant, is obvious from the fact of their negativing, in Convention, a proposition to insert in that instrument a section giving the power in question, as might be seen by reference to the Journals. Nor can the power be found under the clause giving the grant of authority to levy duties on imports, for the exclusive purposes of revenue. The proposed scheme for the encouragement of manufactures is destructive of that uniformity of taxation which is the imperative precept of the instrument in relation to this power. A brief statement, which has been founded on the calculations of the Chamber of Commerce of Charleston will show in what this uniformity consists. South Carolina will pay, confessedly, not for the purposes of revenue, but for the encouragement of domestic manufactures, on four articles alone, the following sums:

On 18,500 pices of cotton bagging, at $4 32, amount of duty - - - - - -	$79,910
On 2,000 pieces of Osnaburgs, at $5 50, amount of duty - - - - - -	11,000
On 1,350,000 yards of plains, at 11 cents -	148,500
On woollens consumed by white population	324,000
Total - - - - - - -	$563,410

A tax, without disguise, levied for the avowed purpose of being put into the pockets of the cotton-bagging manufacturers of Kentucky, and the woollen manufacturers of the North. The cunning implication by which you get at this power, only adds a mockery to an unjustifiable wrong. An act providing that South Carolina should pay from her coffers, in specie, the amount of this bounty, would be quite as righteous and Constitutional. But the objects of this Confederacy furnish the true principles for the interpretation of the instrument. We are independent States, and our league merely looks to a common defence, external and internal commerce, an army, navy, judiciary, and the powers necessary to carry these objects into effect. No one member of this Confederacy could have contemplated joining a Union in which "the common defence and general welfare" meant a sacrifice of any part of it, under fanciful and arbitrary considerations of "the good of the whole." We are not a consolidated empire, and consequently we have no right partially to oppress any portion of the States, however trifling may be the interest violated.

But, on the ground of expediency, is it nothing to weaken the attachment of one section of this confederacy to the bond of Union? Is it nothing to shake the confidence of a portion of our people in the integrity and justice of their Government? Is it nothing to sow the seeds of incurable alienation, by producing a belief that, in your policy you rather consult power than right? Ours is a Government of opinion; it is sustained by the affections of its people. The natural ties and charities of human life cannot remain unbroken under a sense of unmerited wrong. The affections of a child to a parent are sometimes snapt asunder by continued acts of injustice and unkindness. Feeble, in comparison with these, is that artificial contrivance, called a Government. Lord North contended, with a plausibility equal at least to the ingenuity which the honorable Speaker has displayed in proving the power in question, that the colonies had a virtual representation. We, nevertheless, are acquainted with the result. Let no man, however, tax me with holding incendiary doctrines. I know that South Carolina will cling to this Union as long as a plank of it floats on the troubled ocean of events. I know her lofty nationality and generous patriotism; but the honorable Speaker, when he makes his appeal to the gentlemen of the South, and calls upon us complacently to witness odious, partial, and undisguised burdens imposed upon our constituents, without even the justification of that expediency which sometimes gives a colorable pretext to injustice, asks from us an unreasonable boon.

In resisting this appeal of the honorable Speaker, Mr. H. said he could not, at the same time, be insensible to the eloquent tribute which the Speaker had paid to those statesmen of the South with whom it had been his fortune to be associated in the interesting events of the late war. The country, he believed, could not forget all that he had done in powerful association with three distinguished individuals from South Carolina, no longer on that floor; a triumvirate which it would be, he feared, presumptuous in the State to hope very soon to furnish as her contingent to the public weal. He would fain hope, too, that his countrymen at home would find some compensation for the Speaker's zealous crusade against their interests in a just recollection of his inestimable services, at an awful crisis, when the existence of this Union was menaced by the agitation of a question of vast and inexpressible interest. But, notwithstanding the character of these recollections, he would say to that honorable gentleman, that the measure he had so strongly advocated was unjustifiable in its principles, offensive in its character, and pernicious in its consequences.

When Mr. HAMILTON had concluded—

Some remarks passed between Mr. MARTINDALE and Mr. HAMILTON.

The question was then taken on Mr. CLARK'S motion to reduce the duty on bar iron from $1.12 to 90 cents per ton, and decided in the affirmative—99 to 90.

At this time, and several times in the course of to-day's sitting, motions were made to rise, all which were rejected.

Mr. BRADLEY, of Vermont, then moved to amend the bill by inserting therein the following provision, viz:

"On all books which the importer shall make it satisfactorily appear to the collector of the port at which the same shall be entered, were printed previous to the year one thousand seven hundred and seventy-five, and also on all books printed in other languages than English, four cents per volume.

"On all other books, when bound, forty-five cents per pound.

"On all other books, when in sheets or boards, forty cents per pound."

This motion was negatived without a division.

Mr. WEBSTER, of Massachusetts, then moved, as an amendment to the bill, the following, to come in at the end of the 5th section:

"*And be it further enacted,* That, from and after the —— day of —— next, the duties now imposed and payable on the wines, herein enumerated and described, shall, at their importation into the United States from any foreign port or place, cease and determine; and, in lieu thereof, the following rates or duties, respectively, shall be laid, levied, and collected, on all such wines, at their said importation, that is to say: Upon all Madeira wines, 70 cents per gallon; upon Sherry, St. Lucar, Lisbon, Oporto, and other wines of Spain and Portugal, not herein enumerated, 50 cents per gallon; on Teneriffe and all other wine of the Canary Islands, 40 cents per gallon; on Fayal and all other wines of the Western islands, 40 cents per gallon; on Sicily wine, 50 cents per gallon; on Malaga wine, 30 cents per gallon; all other wines, not enumerated in this or some other law, when imported in bottles or cases, 50 per cent. *ad valorem;* on all other wines, when imported otherwise than in bottles or cases, 40 per cent. *ad valorem: Provided,* That the amount of duty thereupon shall, in no case, exceed 100 cents per gallon."

After some brief debate on this motion, it was decided in the affirmative—ayes 110.

Mr. WICKLIFFE then moved to amend the bill by inserting therein the following:

"*Be it enacted,* That the provisions of the second section of the act of Congress, entitled 'An act to regulate the duties on imports and tonnage,' approved 27th April, 1816, shall extend and inure to the benefit of schools and colleges within the United States or the Territories thereof, in the same manner (under the like limitations and restrictions provided in said act) in which they apply to seminaries of learning."

This motion was agreed to—ayes 116.

Mr. CLAY then moved to amend the bill by inserting the following:

"On all manufactured copper in sheets and bottoms of every description, three cents per pound."

This motion was negatived—ayes 76.

Mr. ALLEN, of Massachusetts, then moved to amend the bill by inserting therein the following:

"On brown sugar, two cents per pound; on white clayed or powdered sugar, three cents per pound."

This motion was negatived without debate and without a division.

Mr. FULLER, of Massachusetts, then moved to amend the bill by inserting the following:

"On printed books, thirty three and one-third cents per lb."

This motion, also, was negatived without a division.

Mr. MILLER then moved to amend the bill by inserting "on mustard in bottles, fifty cents per dozen." This motion was negatived.

Mr. SANDFORD, of Tennessee, then moved to amend the bill by inserting the following:

"*And be it further enacted,* That no debenture or drawback shall be allowed to any foreigner, who is not an inhabitant of the United States, on any goods, wares, and merchandise, he may have imported into any of the aforesaid United States, or Territories thereof."

This motion was negatived without a division.

Mr. HAYDEN, of New York, then moved to amend the bill by striking out the following: "On wheat flour, fifty cents per hundred weight," and inserting, "On wheat flour, eighty-five cents per one hundred pounds."

This motion was negatived without a division.

Mr. BAYLIES, of Massachusetts, then moved to amend the bill by inserting, "On race ginger, one dollar per hundred weight; on ground ginger, two cents per pound."

This motion was negatived.

Mr. Conner, of North Carolina, then moved to strike out eighty cents, the proposed minimum valuation of imported woollens, and insert, in lieu thereof, forty cents.

This question was decided in the negative by the Chair, 94 votes to 92; but, a new count being demanded and taken, there were ayes 100, noes 95; so the motion was decided in the affirmative.

Mr. Mercer, of Virginia, then moved to amend the bill by striking out the second section of the bill; which is in the following words:

"*And be it further enacted*, That, in all cases whatsoever, all articles, composed of various materials, shall pay the highest duty to which articles manufactured from any of such materials are subject."

This motion was, after considerable debate, decided in the negative—99 to 94.

Mr. Mercer then moved to strike out of the bill the 30th day of June, (the day on which the bill is to go into operation,) so as to defer it to a later day; which motion was negatived—92 votes to 89.

Mr. Van Wyck then moved to amend the bill by inserting, in lieu of the duty on woollens, to take place after 30th June, 1825, the following:

"Afterwards a duty of thirty-five per centum ad valorem, until the 30th day of June, 1827; afterwards a duty of forty per centum ad valorem, until the 30th day of June, 1829; afterwards a duty of forty-five per centum ad valorem, until the 30th day of June, 1831; and, after that time, a duty of fifty per centum ad valorem."

This amendment was negatived without a division.

Mr. Livingston then moved to strike out the whole of the proviso which proposes a minimum valuation on imported woollens.

The question on this motion was taken without debate, and decided in the negative—ayes 73.

Mr. Bartlett, of New Hampshire, moved, at the close of the first section of the bill, to insert a duty on all domestic distilled spirits, of fifty cents per gallon, with a declaration of an intention to propose a drawback on such as should be exported.

Mr. Storrs suggested the necessity of provision, with such an amendment, for officers to collect the duty, &c.

Mr. Bartlett said his object was merely to introduce the subject in Committee of the Whole, so that he might be able to introduce the motion, with all its necessary details, when the bill should come before the House.

Mr. Forsyth suggested that a proposition of this sort, for an excise duty, could not, with propriety, be introduced into a bill proposing a duty on imports.

The motion was negatived without a division.

Mr. Craig moved to amend the bill, by striking out the proposed duty of four cents per lb. on white and red lead, and inserting a duty of five cents on that article.

The question on this motion was decided in the negative without a division.

Mr. Clay rose to speak in explanation on one or two points which had been touched upon in debate.

The question was taken on the Committee's rising and reporting the bill, with the amendments made to it, and determined in the affirmative. The Speaker resumed the chair, and the report was made from the Committee of the Whole.

Mr. Forsyth then gave notice that he should, to-morrow, move for the indefinite postponement of the whole subject, and require the yeas and nays on the question.

And then the House adjourned.

Wednesday, April 7.

The Speaker laid before the House a letter from the Postmaster General, accompanied by a statement prepared in obedience to the resolution of this House, directing him to state "the amount of defalcations in his department, which accrued previous to July, 1823, and which were not sued for, as directed by the 29th section of the act regulating the Post Office Establishment, designating the years when each accrued, and not to extend beyond sixteen years; and the amount of such deficiencies as have been charged against the Postmaster General of the United States;" which letter and statement were laid on the table.

Ordered, That the Committee of Claims be discharged from the further consideration of the bill from the Senate, entitled "An act for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Linsey," and that it be referred to the Committee on Military Affairs.

Mr. Whittlesey, from the Committee of Claims, made a report on the petition of Samuel Cleveland, jr., accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

The select committee, to which was referred the petition of John Cleves Symmes and Thomas S. Hinde, were discharged from the consideration thereof, and the petition was referred to the Committee on Commerce.

Mr. Forsyth, by leave of the House, presented a report and resolutions adopted by the General Assembly of the State of Georgia, in relation to the running and marking the boundary line between that State and the State of Alabama; which report and resolutions were referred to the Committee on Public Lands.

The House took up, and proceeded to consider, the resolution submitted by Mr. Warfield, yesterday; and, the same being read, it was, on motion of Mr. Tracy, laid on the table.

Mr. Forsyth laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House the proposals made, through General Jackson, by the Path-Killer and his chiefs, of the Cherokee tribe of Indians, in the year 1820 or 1821, to make a cession of their lands to the United States, together with any other propositions made in relation to the subject, of which he may be possessed.

Mr. Gazlay laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House whether the 5th section of the act relating to a township of land lying within John Cleves Symmes' patent, and passed 3d March, 1803, has been executed; and, if not, what reasons have prevented the execution of the same.

Mr. Bartlett moved the following resolution, viz:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of imposing a tax upon domestic distilled spirits, and of providing, by law, for the collection of the same.

The question was taken, Will the House consider the resolution? and determined in the negative.

An engrossed bill, providing for the appointment of two Indian agents, in addition to those already provided for, and fixing their compensation, was read the third time, and passed.

Ordered, That the title be "An act providing for the appointment of an agent for the Osage Indians, west of the State of Missouri, and Territory of Arkansas, and for other purposes," and that the Clerk do carry the said bill to the Senate, and ask their concurrence therein.

The engrossed bill "providing for the appointment of an agent to reside with the Osage Indians," was read a third time, passed, and sent to the Senate.

A message was received from the Senate, notifying that they insist on their amendment to the Naval Appropriation bill, which was to strike out the specification of the items to which the contingent fund is to be applied, leaving it to the discretion of the Secretary of the Navy; and ask a conference upon the subject.

On motion of Mr. McLane, the House resolved to insist on their disagreement to the amendment of the Senate; agreed to the conference, and a committee of five were appointed to meet the committee appointed on behalf of the Senate.

Mr. Owen, of Alabama, rose, and asked of the Chair, whether a resolution, moved by himself, calling for certain information from the Treasury Department, respecting the two and three per cent. funds arising from the sales of public lands in the several States, had been transmitted to the proper Department; and, if so, whether an answer had been received.

The Speaker said the resolution had, doubtless, been forwarded by the proper officer of the House, and, if an answer had been returned, it would have been laid before the House.

Mr. Owen said, then, of course the information called for by the resolution, had not, as yet, been furnished.

THE TARIFF BILL.

The House then proceeded to the consideration of the amendments reported by the Committee of the Whole to the tariff bill.

Mr. Forsyth rose and withdrew the intimation, yesterday given, of his intention now to move the indefinite postponement of the bill. This he did at the suggestion of several members (contrary to his previous impression,) that the features of the bill were not sufficiently fixed by votes in Committee of the Whole, as to determine all the members to vote decisively for or against the rejection of the bill in its present state. He should therefore defer his motion until the question had been settled as to the amount of duties to be proposed on the leading articles, wool, cotton and iron.

The Clerk then read the several amendments reported by the Committee of the Whole. And the question being on concurring in the first amendment, (reducing the minimum on woollens, from 80 to 40 cents the square yard.)

Mr. Tod, of Pennsylvania, rose and addressed the Chair, as follows:

Mr. Speaker: It was the intention of the Committee of Manufactures that no more of the time of the House should be taken up by any of them, in this debate. Such was generally, I believe, the wish and intention of the friends of the bill. But now some few things appear almost necessary to be said. One thing, perhaps, requires to be repeated; that the measure here proposed is not designed chiefly to promote the profit of manufacturers, but, through manufactures, to relieve the poverty and distresses of the agricultural portion of the country. Petitions and addresses are no proof of distress. That is admitted. Yet, there is a certain extremity of poverty, which, spreading over a great extent of country, wants no proof but the notoriety of the fact. Every one knows that some great portions of this Union are almost exclusively agricultural; that, with few exceptions, they can have nothing wherewith to purchase manufactures, but grain, or the products of grain. It is evident that an agricultural, grain-raising people, importing the manufactured necessaries of life from countries which refuse to take, in return, the only articles they have to dispose of, and for which articles they have no other market, must inevitably be poor, and in debt. Statistical recorded facts will of themselves give proof. The gentleman from Massachusetts (Mr. Webster) has observed, that the years of former prosperity, selected by the honorable Speaker from his statements of exportation, were probably those most favorable to the argument. Take, then, a different set of years. Take five years together, those of 1790, '91, '92, '93, and '94. The yearly average quantity of grain and flour exported for those five years, was 1,421,335 barrels. The commercial statements of that day do not give the value. But Mr. Pitkin has calculated the value for 1792 at $7,649,887.

Our population, in 1790, was about four millions. In the present times, for the last three years, our exportation of every species of grain and flour has been as follows:

1821	Barrels, 1,360,453	Value,	$5,184,999
1822	1,098,768		6,327,510
1823	1,074,528		6,263,237
Yearly average,	1,177,949	Av. val.	$5,925,249

Our population has now reached to ten millions, and let it not be forgotten, that, during those times when we exported breadstuffs to the amount of $7,649,887, the whole agricultural grain-exporting population of the United States did not, probably, equal the present population of one single State. By far the greatest proportion of our increase of numbers, since 1790, has been to the grain-raising population of the country. Large States and Territories, which are now the most fertile in grain, have been since that time acquired, or were then a wilderness. A few people might then have been encamped in the West, but, to all the purposes of this argument, the States of Kentucky, Ohio, Tennessee, Indiana, and Illinois, have been since settled. So, probably, one half of the grain-raising parts of Virginia, Vermont, Maine, Georgia. Add, not Territories only, but States, since acquired, and now cultivated. Add the improvements in agriculture, mills, roads, and in all the facilities of production and transportation. I will not dispute about particular items and sums. Whatever deduction any gentleman thinks he can in conscience ask for, let him make it, and he will find that our country could now, were there any adequate market, raise and export five times the amount of grain we exported thirty or thirty-four years ago. It is not, perhaps, extravagant to say, that those parts of the single State of New York, which have been settled during the last thirty-four years, are now capable of raising and exporting more grain than was exported from the whole United States in 1790. Thus, with all this increase of numbers and capacity, almost beyond calculation, our exports of grain are reduced from $7,649,887 to $5,925,249; while the importation of foreign manufactures has been increasing with the decrease of the facilities of payment.

The gentleman from Massachusetts (Mr. Webster) has seemed to question whether this diminution of exports shows any diminution of prosperity. On that head, let it be observed, that the most vehement of the opposers of this bill are so because they apprehend that, at some future day, the effects of the measure may be to prevent the exportation of some part of their staple commodity, cotton. Then they, at any rate, put no very great practical faith in this opinion of the gentleman from Massachusetts. They show their idea to be that, as to cotton at least, "agriculture without a market" may be an inconvenience. We indeed believe that their fears are most groundless in supposing that domestic manufactures are to lessen the demand for cotton. We believe the exactly reverse effect to be most inevitable. But they are clearly right in insisting that a defect of market must be certainly hurtful. For, beyond all doubt, those who purchase abroad, without the means of payment abroad, must suffer every description of pecuniary vexation.

Now, in one case, without descending into the odious particulars of misfortune, I would ask whether any one imagines that such reduction of almost all the means of decent living, as is shown by our commercial records, can fall upon such multitudes of people, without oppression? An oppression the more intolerable, because it is produced solely by the policy of our own Government. The victims of it have not, since the close of the war, ceased to petition. They complain that the only surplus products they can have to dispose of are shut out from foreign markets, particularly by the very countries whose manufactures we consume. They show that our own country has, within itself, all the means of producing these manufactures, without paying for them one cent of tribute to foreigners; and that, if the policy of our Government should be only so far changed as to secure to them the privilege of supplying with provisions and with the raw materials, the workmen employed in the fabrication of articles which they, the agriculturists of our country, themselves consume, they might be relieved from their present absolute exhaustion, and be enabled to enjoy, in part, at least, the prosperity they were accustomed to during the general war in Europe. They show that, to protect manufactures, is to protect agriculture, and that protection, to answer any valuable purpose to the country, must be a liberal and bold protection, placing our manufactures not only beyond the reach of foreign competition, but beyond the fears of it. They show that they ask nothing new, nothing visionary or untried. And they prove, by the invariable examples of nations, that the dependence of any country, exclusively, upon its own agricultural and manufacturing industry, is the sure beaten high road to private wealth and national power. With these complaints, and these proofs, suffering, for years together, distresses produced solely by the national policy, which, under any other than a Republican Government, might create an insurrection, these petitioners, coming here, the only place where relief can be had, are, it seems, to be told, "Honest friends, you have altogether mistaken your case; we see you are 'worn to the bone, sure enough; but it all comes 'out of your independent banks and your stop-'laws." Thus, with much gravity, it is to be attempted to make us believe that the plain and palpable consequences of the distress of the country, are not the consequences, but the causes of it. Worse than all that—we are to be consoled with scraps from the metaphysical books of the economists, and it seems an experiment is to be made upon our understandings, whether we are composed of exactly that sort of stuff as to think ourselves fully compensated for the severest extremity of actual poverty, by imaginary and metaphysical relief, and by the abracadabra of "let us alone," and "get rich by making nothing, selling nothing, but buying where you can buy cheapest."

The matter and substance of the remarks upon our application for relief, have not been much helped by the manner, as far as respects the observation of one gentleman—I mean the gentleman from South Carolina, (Mr. Hamilton.) Some of those observations I did not hear. The gentleman from South Carolina, no doubt, believed me to be present. I ought to have been present. The truth is, when the gentleman from South Carolina came to a part of his speech in which he seemed to be commencing a dissertation upon the useful and sublime discoveries of the political economists, calling them, or some of them, immortal, &c., thinking I had heard all these matters before, I concluded nothing would be lost by my going to the committee-room upon some committee business, and stayed, perhaps, longer than I intended. The gentleman from South Carolina charged the Committee of Manufactures, very directly, with gross ignorance of their business; that the chairman of that committee had been repeatedly convicted of gross ignorance. I mention this matter because it is connected with something more material, and not for the sake of any personal complaint. Besides, the gentleman from South Carolina has already explained that part of his observations. It is proper to take this occasion to say, that the Committee of Manufactures have not yet made pretensions to any superior learning. As to myself, I know, perhaps, better than the gentleman from South Carolina, my own inadequacy to this station. It is a station which was not sought for, nor wished for, by me. It certainly found me very unprepared. Much was to be learned; and, no doubt, much yet remains unlearned. But my humility goes no further. It is not admitted that the great cause of domestic industry has suffered from any insufficiency of the Committee of Manufactures. It was their business to know our own laws upon the subject, and all the changes before made in them: also to know from what countries and in what quantities we draw our supply of manufactured articles; to know, also, how they can be paid for, and what commodities of this country are prohibited or permitted to be sent in return; and to know, further, the capacity or incapacity of the several parts of our own country to furnish a supply for our own population.

If the committee know these things, and if they have sense enough to make the proper use of information furnished by practical men, or by experienced officers of Government, communicated to the House heretofore, and to follow, with due precaution, a bill drawn up by abler men, and approved and passed at a former session, by a majority of this House, it is perhaps enough. We admit it to be the business of the committee to be able to know and to do all these things. But it is not admitted that we are bound to know all the usages, nor even all the regulations of foreign countries, nor to know the particular names of all the places in each foreign country, from which manufactured articles are imported. Even if we did know all these things, (which I for one, do not pretend to,) it is not certain that it would have been thought worth while to make a display of our learning. Very minute information is apt to be a very dull matter. We have heard, at some length, the particulars of a story relative to a bull. Have the gentlemen who are disposed to catechize upon these little points, ever heard a certain other story, how upon a time, a certain town corporation had convened upon public matters. The proposition was to banish all the dogs—upon some alarm; it is immaterial what. One Alderman, when it came to his turn to speak, said, that he very much approved of the plan so far, but suggested, that, in his opinion, to act *understandingly* upon the subject, they should first appoint a committee to ascertain the names of the dogs. Sir, all these niceties of detail do not appear to be wanted to understand the great question whether the industry of our own country is to be preferred to that of foreign nations. The gentleman from South Carolina was pleased to say, as I am informed, that the Committee of Manufactures had been surrounded by blackguards—as I understand the word was—congregated blackguards, each one thrusting his share into the bill; and much more, in the same style. [Here Mr. Hamilton explained, denied that his language was so applied, said he had spoken of the ruffians sent from a distant manufactory to disturb the meeting at New York.] Mr. Tod—As to the disturbance of the New York meeting, if the gentleman from South Carolina had been attentive to the publications on the subject, he would have seen a refutation of the charge of the attendance of the Paterson manufacturers at the New York meeting, supported by proof so conclusive, that I believe it never has been, and never will be, controverted, showing the charge to be a mere fabrication of the same stamp, and for the same purpose, with that pretended letter from this city, published in sundry newspapers, and stating, Down with commerce! to be the cry here of the friends of the Tariff.

As to the persons who have attended the Committee of Manufactures, on the invitation of the committee, or without invitation, it is due to them and to us to say, that they have all been citizens of our country, and gentlemen of good appearance and good credit. And it may be further said, that among the few of them who had any particular interest and manufacture of their own to promote, there has been scarcely one who has not gone away disappointed.

There is a part of the speech of the gentleman from South Carolina, which he has not attempted to explain, and which, not for our own sake, but for the sake of the cause which we advocate, it becomes our duty to protest against. I understand he closed his personal comments on the Committee of Manufactures with a defiance, that, if any gentleman thought himself insulted, he knew where to come for satisfaction, or words of equivalent import. I do not happen to remember that a single word had been said by any one of the Committee of Manufactures against the gentleman from South Carolina, or against any one of those writers called the political economists. There has been no such complaint, nor pretence of complaint. If any severity of comment has been made use of on our side, it came from others. Now, this may be according to rule, but it appears rather odd that all the quarrel, all the provocation, all the insult, whatever it is, and the challenge to boot, should come all from one side; and that a gentleman, by nothing but his own speech, should undertake to fret himself into a passion first, and then into a fight. The gentleman from South

Carolina has also thought proper to inform us that he was in the army in the late war. It may be remembered that, in this debate, or some other in the House lately, a gentleman has been mentioned, called Don Quixote. I learn that his practice was to go upon the high road, with sword and pistol, and insist upon fighting with peaceable travellers, unless they would confess, off hand, that, of all fair ladies, there was none in the country to be compared with a certain friend of his, one Dulcinea—I forget the rest of the name, and never was good at remembering long names—perhaps it will not be considered material. I do confess myself to be one of those who, rather than have a duel with Quixote, would say any thing almost for Dulcinea, to the best of my knowledge; and, in preference to a quarrel with the gentleman from South Carolina, I should, if it could be done with any sort of conscience, be most strongly tempted to go as far for the wisdom of the political economists, as I would for the beauty of Dulcinea. Formerly, it is said, the law was, that, when disputes arose, and a cause happened to come up, very hard to comprehend, such puzzling case was to be settled by a mode of decision, called, in the law style of that day, a trial by battle, the very sort of trial which the gentleman from South Carolina seems to prefer. A party might fight his cause by himself, or by his attorney, called, in that process, his champion. Now I give notice that I will not be the champion for this tariff bill, particularly since the amendments. Should I ever change my mind, and agree to enter the lists with the gentleman from South Carolina, I solemnly promise to release him from the oath against the employment of all conjuration and witchcraft. To be more serious, it is a mode of decision which I have never studied. It is not what I was sent here for. It would be conceding what might prove a very injurious advantage. It is a call to a sort of honor which I do not want. I live, and am glad of it, in a part of the country where what little respectability a man may chance to have, needs no such propping—nor does the cause of domestic industry require any such support. If it does, I for one, have no ambition to be a martyr to the best tariff that ever was devised. Besides, it is no discredit to the gentleman from South Carolina to say, that he greatly over-rates his own importance, as well as mine, if he supposes any thing we can do can settle the question. I have other very good reasons. I have, perhaps, mentioned enough. If the gentleman from South Carolina is determined to have a personal contest upon this tariff, he shall not have it with me, without an actual attack.

The gentleman from South Carolina has thought proper to take this occasion to applaud some distinguished citizens of his State. Some of them are living, and too near to make it worth while for me to enter into a discussion of their characters. On the memory of Mr. Lowndes I could go, in the way of encomium, perhaps farther than the gentleman from South Carolina. I have frequently heard him in this House—I have known him out of it. I speak not for the purpose of presenting any contrast, but give my opinion, often declared in the hearing of some who now hear me, that Mr. Lowndes was a statesman, who has not left his superior in this nation, nor scarcely his equal. Every one who remembers Mr. Lowndes, remembers that, with talents almost beyond the lot of mortality, and seeing nothing about him but respect and veneration, yet a man more unassuming never entered this House. There was nothing pompous in him, no blustering, no rant. Of one thing only did he ever appear ignorant, and of that always most grossly ignorant—that was, the magnitude of his own powers. If this was a defect in that great man, it was a defect which, I must say, his successor does appear most happily exempt from. To end this matter: I have lived longer than the gentleman from South Carolina, and have, probably, seen more of the events and turns of life, and more of mankind, and have some right to say to him, that he must have been young when he entered into the army, too young to profit at that school, and young when he came out of it; that, in one sense, he is young still, and has much yet to learn, or he will die young. If I have thought it my duty to protest, with some earnestness, against the course which the gentleman from South Carolina has thought fit to take in this debate, it is not that I have suspected any thing in him invidious or malicious. On the contrary, I have no objection to assent, with those who know him better, to the usual frankness of his disposition, and am willing to believe that he exhibits an ardor of feeling, and a vivacity, which, at some day, with a great deal of cultivation and discipline, may render him not a useless defender of the interests of his country.

There is one objection to this bill, which seems to require peculiar notice; an objection that has been most vehemently pressed upon us by gentlemen here, and by memorials and publications without number; the destruction of commerce and the navy. Not in this House, to be sure, have the friends of domestic manufactures been directly charged with the intention and design of destroying trade and commerce; it is only contended that such destruction must be the certain effect. But out of doors our opponents are not quite so generous. There, we are represented as a rustic, envious, malignant, and unprincipled combination, making agriculture and manufactures a mere pretence for the ruin of trade and the navy. It is degrading to plead not guilty to such a charge, but the falsehood of it must be shown.

The late war was a war for commerce only. It was not provoked by any injury but to our trade and to our people connected with, and in pursuit of, trade and navigation. Our territory was not touched—our citizens on shore were not molested. That able paper of the declaration of war mentions, for its causes, no outrages but those to commerce and seamen, except the miserable business of John Henry, which, in very doubtful and indefinite language, appears to have been stuck in by way of amendment. The sections of our country, always foremost and unanimous in asking protection for domestic industry, and here assailed as enemies to foreign trade, suffered their full share of whatever there was of hardship or disaster in that war for commerce. It will be admitted that, in paying taxes, in marching against the enemy, and here, by their representatives, they did never, for one moment, shrink from the conflict, in the darkest of times; and it is not extravagant to say that, under God, to the firmness of these people, now calumniated as the sordid malignant enemies of commercial wealth, does foreign commerce owe every solid, sure, and established right it now enjoys; and, from their devotion to the interests of the whole, their contempt for the low and selfish principles upon which this bill is opposed, does it come that we now have a flag that can protect foreign trade, and that we are not, abroad, the common plunder of the world.

Yet it would not have been surprising, in that war for commerce, on occasions of extreme gloom and disaster, which often happened, if some timid few, or some demagogue, anxious to get himself into Congress, by supplanting some of those who had voted for the war, had attempted to inflame the minds of those people against such vexatious war, supported by their blood and their money, to revenge injuries done to foreign trade. But even that never happened, nor was the man found among them who, at any time, would declare his willingness to give up the contest without securing the commercial rights for which it was entered into; and, since the war, they will be found to have adhered to the same principles of attachment to the commercial interest. No matter how *their* requests have been received; no matter from what selfish motives *their* interests have been disregarded, if, from the whole immense agricultural population that now demands a tariff of protection, a single vote, in the House, can be found to have been given against any plan for extending or protecting foreign commerce, or against building ships, or providing naval materials, or sending embassies to promote trade, or squadrons to the Pacific ocean or Mediterranean sea, or any other sea, or any other of the immense expenses of foreign trade, let that vote be produced, and, as far as it goes, let it be set down to enmity to commerce—but I believe no such vote can be found.

Does any gentleman imagine that our people who sustained that commercial war with such steadiness and spirit, did so in pursuance of doctrines such as we have here now? or dreaming that, in case of success, they themselves were to be excluded from every possible benefit of it? or, after exerting themselves to the utmost, and risking every thing, they should come to the merchant, reinstated in their rights by their aid and their fidelity, with their hemp, their iron, and their lead, and say to him, "We have no customers but you. If we raise grain, we have no market for it. There is nothing we can sell but the things we have here;" and be told by the merchant, "True; your hemp is water rotted and strong; your iron is tough, and good for cannon and anchors and shipbolts; but it is all country make. And, friends, you don't understand the new light of political economy—it is only when you come in the capacity of purchasers that we can deal with you. We employ the workmen and farmers of England, Wales, and Russia, and we think, in the long run, we can save something to ourselves by it. You have never read Adam Smith. Every man for himself, is the only thing for the country. Here it is in the book. In this way we enrich ourselves, as we know; and we make the nation rich, as the book shows. No monopoly, no restriction, except in our favor. Let us alone, until another war. When the doctrine of Algiers comes next into fashion, with the naval Powers of Europe, or any one of them, you may then have just so much interest in navigation, as to pay taxes and do the fighting for it." Surely no manufacturing or agricultural man, in that war for commerce, could have been slave and fool enough to contend in the cause, had he imagined that there was no community of interests in this nation; no advantage by commerce but to the merchant; no helping of each other; or, if he had foreseen, what has since actually happened, that the very peace and commerce contended for, with such profusion of money and of blood, should, with the exception of some trifle of profit to a handful of merchants, produce, after all, nothing but prosperity to foreign nations, and chiefly to Great Britain, with whom we contended, and nothing but destruction and death to three-fourths of the agricultural, grain-raising, and manufacturing interests of our own country.

There is one species of commerce which we avow ourselves opposed to. It is that which is employed in bringing from abroad, for our consumption, those common necessaries of life which we can produce at home, lead, glass, iron, hemp, and at least one half our present supply of imported cotton and woollen goods. And here arises a dispute with the advocates of commerce. We say we are beggared and undone by these importations—that the nations which send them to us will not take in return any thing we have to spare. We say, that, to make all these things at home, will take nothing from us but grain and things which we at present know not what to do with; while we are utterly exhausted by buying them from foreigners. The men of commerce contend, that, to supply us with these articles, is one of their perquisites. They claim it as a right, not, as they say, altogether for their own profit, but because the commercial interests of the country and the Navy in a great measure depend upon it. Now examine the case, and see if this trade of importation of goods ought to be upheld for the benefit of the merchant, or for any other purpose. First, the very freight, the benefit so much talked of, is not confined exclusively to our own citizens, nor to our own ships. About one-eighth or one-seventh of the importations which such a clamor is made about the profits of, are by foreigners, in foreign ships, and this even in time of peace. In times of war with any naval Power, even that miserable advantage of freight will certainly go, almost entirely, with the rest of the profits, to foreigners.

Even if it could be secured entirely to our own merchants, it would be no sort of indemnity for the evils of the trade. Observe, I speak only of those things which we may have made at home, of our own materials. But, if made at home, there is no freight or profit to the importer. He seems to think it very reasonable that we should agree to pay one hundred dollars to foreigners, in order that he may gain a profit of ten dollars, or fifteen. On this head, let it be remembered, that it has been often said, and never, as I know, denied, that more than half of all the importations of manufactures from Europe, are by foreigners themselves, directly on their own account, and vended here by themselves or their agents. From that fact the true nature of all this alarm about the trade and the Navy of the country may be understood. So far from agreeing that the naval power of the country depends upon the consumption of foreign goods in preference to the domestic, I contend that all we hear about the destruction of trade and the Navy, by checking the importation of dry goods, means nothing more than the diminishing the profits of the importer. Are we to believe that these merchants are seriously apprehensive only for navigation and the Navy? Why, sir, it has been during this very session of Congress, that the deplorable case of our spermaceti whale fishery has been presented to us; the noblest nursery and school of the noblest seamen perhaps on the globe, comprising two years ago, 142 ships, and 3,100 seamen—a quantity of tonnage double or thrice that employed in the trade of importing all the woollen and linen goods, and cuttlery, and hemp, and lead, and glass, and leghorn hats, that we get from Europe; and a body of men perhaps combining a greater mass of nautical skill, hardihood of body and mind, devotion to country, discipline, self-command, and obedience, than was brought into action on both sides, in the battle of the Nile—all now dwindling, perishing, on the point of extinction. But has any one ever heard of any Chamber of Commerce, or any merchants, or any of their advocates, interfering with us, or any where else, in favor of this perishing whale fishery?—they, who can snuff danger a mile off, to the Navy and to the navigation, when it threatens to stop the importation of a yard of calico, or a hob nail: and who, almost before the bill for the protection of domestic industry can be printed, are here with their remonstrances. I complain not of the merchants. They wish us to import the necessaries of life, instead of making them at home. They are right; for, by it, they gain their freight and profit. They wish to go far for our supply, and they are right; for the farther they go the less chance there is of competition, and the greater the chance of profit. Hence, all that outcry, some years ago, against the protection of domestic cottons, and the exclusion of cheap muslins from the East Indies. I repeat it, the merchants are right. They act just as Providence intended they should act, taking care of their own interest, and adhering to that solely. They were created for this purpose, and all very good. There is no possible harm in it; because Providence intended also to give to the men of the land sense enough to take some little care of themselves, and, when they are the immense majority of a nation, not suffer themselves to be made beggars in order to make nobles of a few merchants; not suffer all their resources to be exhausted in paying for foreign goods, that the merchant may be enriched by the profits of transporting them.

The land part, the agricultural part of a nation like this, Providence intended to be supreme. Our country is the land. Every thing permanent is on the land. Yet the commercial interest is to be cherished. Certainly it is; but not with such extravagant devotion as to make ourselves tributaries and slaves to foreign industry. If, indeed, we found ourselves thus picked to the bone, and consumed by our own citizens for their own benefit, and if the means and resources of our own country were increased by exhausting us; that is, suppose it to be the case that some sections of our country should supply us with manufactured goods, as Europe does now, and, thus supplying us, suppose they by some means should refuse to take from us, in exchange, the chief articles we have to give, our grain, our flour, and agricultural productions, though we could afford them at half the price which they would be obliged to pay for them at home—in that situation, impossible, indeed, under our form of Government—but which, if it was the very actual fact, would, indeed, as to all purposes of individual poverty and oppression, leave us exactly as we are now—yet then we should have the consolation to know that what caused weakness and depression to us, produced some wealth and power to our country. But there is nothing of that in our case. Our distress is more bitter from the reflection that we are exhausted for the purpose of giving affluence and power to strangers, to aliens, to rivals, to enemies. And so far from helping the case, it is an aggravation and an insult to be told by our own merchants that we ought to submit tamely to be devoured by foreign industry, because some of the crumbs, one miserable tenth part of the plunder, may go, by way of freight and profits, into the pockets of the merchants.

As to fact and experience, there is not now, nor was there ever since the world began, a country possessing commerce and naval power, and maintaining them by the importation of foreign commerce; nor is there any possible connexion between naval power and consuming foreign goods. We import nothing, which can be strictly called manufactured goods, from the Island of Cuba; we import none such from Hayti; yet we have more ships and more tonnage employed in the trade with these islands than we employ in the importation of goods from all parts of Great Britain. Further, the only considerable articles, the importation of which is likely to be diminished by this tariff, are woollen and cotton goods, iron, lead, hemp, hempen and linen goods, and Leghorn hats. We know the quantity and weight of iron, lead, and hemp, imported, and what tonnage they employ; and we may, by estimate, come near enough to the amount of tonnage employed in importing those other goods. Then, sir, let any gentleman make the calculation; let him set it down that all these importations are in our own ships, which is not the fact, and that they will always continue in our own ships, and no war ever molest us; let him set it down that, by excluding a part of these things, we are to import nothing instead of them; that our domestic manufactures are never to be exported, and their prosperity to have no beneficial effect upon the wealth, and of course upon the commerce of the country, and what will it all amount to? Why, sir, he will find that the loss of tonnage, by the diminished importation of woollen and cotton goods, iron, lead, hemp, hempen and linen goods, and Leghorn hats, cannot, by any tolerable mode of calculation, be made to reach anyways near the amount of our tonnage now employed in the importation of the three articles of molasses, coffee, and tea.

I pray, then, that we may have an end to this charge of hostility to commerce; there is not solidity enough in it for a congregation from the wharves of a city. To import the necessaries of life, which may be produced at home, is not commerce; it is the worst abuse of commerce; it is to be the victim of commerce. We declare ourselves to be the friends of commerce, when we profess ourselves the friends of industry on shore; they may consist together—indeed they may stand better together. We are not bound to choose between them; if we were, I should say that the land is our home, and not the sea. I should say that internal wealth and manufacturing industry can of themselves create commerce. Without them commerce is precarious; liable to total destruction in the first war with any first, second, or third rate naval Power of Europe. With them commerce is imperishable. Sink every ship, public and private, in the ocean—with domestic industry, and freedom from foreign tribute, we can be able, in less than five years' time, to replace them all. But why rely on argument? I repeat it, we have experience to go by, and the actual fact that every commercial nation in Europe, without exception, is prosperous exactly in proportion to the vigilance with which it protects its own manufacturing industry, by excluding the foreign, and puts down this spurious, pernicious commerce of importation of manufactured goods. As to the island of Great Britain, the first commercial country of the world, everybody knows that not only her wealth, but her salvation, is supposed to depend upon her naval power and her commerce, both of which it has been her chief aim for ages to promote. If any interest predominates in that country, it is the commercial interest. Yet no temptation of cheapness, no employment or encouragement of shipping or seamen, no argument of the political economists, has ever induced her for one day, since her naval ascendency, to permit the importation of any article for domestic use which domestic industry could possibly be made to produce. France, probably the second naval Power of Europe, follows the same policy with the same success. So other countries; and from their examples, and from the contrary examples of weak and miserable nations, we may learn and may know, that to employ commerce to supersede home manufacture, by the importation of foreign goods, is ultimately as destructive to the naval power as it is to the domestic industry of a country.

Gentlemen have apprehended the resentment of foreign nations if we discontinue the use of their manufactures. They ask, Will not Great Britain retaliate? The same gentlemen are very unanimous in denouncing what is called the system of restrictions, the system of exclusion of the foreign, and protection of the home industry. They say it is despotic, useless, pernicious. That it can serve no possible purpose but that of mischief, and destruction to commerce, trade, and the Navy. They say that not only all the philosophers and economists of England condemn it, but the speakers in Parliament, the committees of the Commons denounce it; that the opinions of Lord Bacon, and of all the statesmen of that great country, from time immemorial, have all gone out of fashion; and that, since the light of the economists has sprung up, the Government and the nation are tired of the present destructive system, and watching the first opportunity to rid themselves of it. Further, they say that England has acquired her wealth and power, not by her restrictions, not by her protection of domestic industry, not by her manufactures, but in spite of them all; and that the truest estimate of the balance of trade, and criterion of national wealth, is, not what a nation fabricates and sends abroad, but what she imports. In fine, that England is very unhappy, from having started her system before the new light of modern times; while we, by following the dogmas of the economists, are in the high road of prosperity. Very good. Then, it seems, England is to be very much hurt if we presume to beggar ourselves by the passage of this tariff bill. The English will show resentment if we do all we can to relieve them from the effects of a system which they are anxious to abandon; which they find to be pernicious; and, most dreadful of all, they are sure to be grievously offended at our destruction of our own Navy. I despair of throwing any light upon such arguments, and quit them with one word. It appears worse than idle to apprehend, in the British Government, such a silly malignity as to resent our attempting to do a part of our own work, to relieve our own distresses, and give employment to our own people. Does any one among us feel resentment against the British Government, for their policy, which extracts from us a voluntary tribute of so many millions a year? Do we think ourselves injuriously treated, because Great Britain refuses to take from us our grain and flour cheaper than she can produce them herself? Every one knows the prodigious efforts made, and the immense expenses incurred, by Great Britain, for the restoration of the royal family of France. They succeeded, at last, and restored the Bourbons to the throne. If ever England had a fair title to a great foreign customer, here certainly was one;

and how gladly British policy would have seized this occasion to break down the new manufacturing establishments of France, particularly the cottons, every one may judge. Yet the French Government was deaf to all terms for the admission of British manufactures. One of the first acts of power, by the restored Government, was, to protect the industry of their own nation, by excluding British competition. Did this produce in England any resentment, or any complaint? Never any, that we know of. It may be said, and I believe has been said, somewhere, that the French Government, newly seated in power, were deterred from admitting foreign manufactures, through fear of popular displeasure. How that may be, we cannot pretend to know. But let it be so. What a lesson ought it to give us. The populace of France, whom we sometimes affect to consider as not the deepest thinkers—France, the chief nest of the brood of political economists, and of the advocates for buying always where you can buy the cheapest—they, it seems, could have firmness of purpose and forethought sufficient to resist the temptation of buying cheap foreign goods, some of them, particularly the cottons, at a price very greatly below what they could be had for at home, and could forego a present advantage for the sake of futurity. Largely, indeed, have they been indemnified for the temporary loss occasioned by this wise protection of the rising manufactures of the country, by a subsequent prosperity, almost unexampled.

Are we, then, to be led away by the words, freedom of trade, monopoly, restriction, and every man gaining most for the nation who gains most for himself? They are all mere words, mere sound, as applicable to this argument. Sir, Government is restriction; laws are restriction. It is for the sake of restriction, and for combining and directing the parts for the good of the whole, that men enter into society. It is only by restriction that we can meet the unanimity and discipline of foreign nations. As well in time of war might it be insisted on that soldiers should fire and load, and advance and retreat, each one according to his own discretion, under pretence that every man who does best for himself does best for the army.

It is apprehended that the encouragement of domestic industry will injure the public revenue. We admit that our present revenue is derived chiefly from the duties on importations. Yet I trust it will be admitted on the other side, that the consumption of foreign goods is not the only means of raising the revenue. And further, I trust, it will be admitted, that while the nation exists, and while our people are wealthy and prosperous, there never can be a want of revenue to support the credit or defence of the country. There must be taxes. The question is only as to the preferable mode of taxation. The tax on imported manufactures is paid by the people, the consumers. It is said to be a concealed tax, and therefore paid willingly. Let it be that it is paid willingly. I deny that it is paid ignorantly. Now, then, let us in a few words, with an eye constantly to the bill before us, examine the soundness of this policy which is contended for with such gravity by some, and with such heat by others, of importing, for the sake of revenue, manufactures from abroad which we are capable of producing at home. For that portion of woollen and cotton goods, hempen and linen goods, iron, hemp, lead, glass, and Leghorn hats, now imported from abroad, and which will be excluded and supplied by domestic industry, if this bill becomes a law, we now pay to foreigners, say ten millions of dollars a year. These articles, on their importation, afford, on the average, to the revenue, a tax, say of twenty-five per cent. This tax is paid by the people of the country, the consumers of the goods. It amounts to $2,500,000; which sum goes into the public treasury. Clearly, the people of the country not only pay this tax, but in paying it they have also to pay the prices of the articles, the ten millions of dollars original purchase money. They must pay, also, the importer's profits, the merchant's profits, the freight, the insurance—not, probably, less, altogether, than twenty-five per cent. on the $12,500,000. So that, in advancing to the public treasury the sum of $3,500,000, our citizens actually pay the sum of $15,625,000; ten millions of dollars of which sum, as far as respects ourselves, might as well be sunk in the ocean—perhaps better—for it goes, perhaps, to rivals; perhaps to enemies. At any rate, our citizen, contributing by this sort of assessment to the support of his Government, for every one dollar he pays to his own country, has four dollars to pay to foreign industry. But, worse than any thing yet mentioned in this mode of raising revenue, is the circumstance that, with respect to the greatest proportion of the people, who pay this $15,625,000, in order to place $2,500,000 in the Treasury, so far are they from getting the slightest incidental advantage from this mode of supporting their Government, that, by it, they only drive their neighbors, the manufacturers, into idleness and beggary, and deprive themselves of the only possible market they can have for their agricultural productions. And this is the very popular mode of taxation spoken of. Sir, if there is, among our countrymen, such fanatical blindness, as to prefer to pay their taxes in this way, I do not know where it exists.

In answer to the objections that we are too young a country to do our own work, and that we lack capital necessary for manufactures, I ask leave to adopt a remark of the gentleman from Massachusetts, (Mr. Webster,) who, if I am able to judge of the matter, is more of a philosopher than a politician; and when I apply the word philosopher to him, if the term has more than one sense, I give it no sinister meaning. He has remarked that the age of a nation is not to be counted from the settlement of a country—never was a thing said more truly. We were taken not from the seed, but, like a tree, or rather a branch, transplanted; and when our forefathers landed on these shores, and had formed themselves into Governments, they were, for all the chief purposes of this discussion, as old as the stock they sprung from. As to capital, whenever there has been in our country a demand for the products of domestic industry, there never has been felt a want of capital to carry it on. Have our glass works, our iron works, sunk for want of capital, our lead mines, our straw and grass hats, our hemp? Are our woollen factories now sinking for want of capital? Or rather, are they not all sunk, or sinking, for want of customers, for want of a market? Industry is capital—credit is capital—protection is itself capital; and whenever a moneyed capital may be wanted, all these will insure it.

Not a little has been said about the balance of trade, and we have been beset, throughout almost the whole of this debate, by authorities drawn from the books of the writers called modern political economists. The practical rule for national wealth has been, not willingly to purchase the products of a foreign country more than they will take of your own; that is, not to encourage the industry of those who refuse to encourage yours: for example, not buy the manufactures of those who reject your grain. This is wrong, gentlemen say, in theory. So be it; but, in practice, it is adhered to, I need not say by every wise nation, but certainly by every wealthy and prosperous nation. Gentlemen say, and so say the economists, that what is called an unfavorable balance of trade, is no reason against importing manufactures instead of making them. It is impossible, they say, to purchase more than you are able to pay for. The remark is true and intelligible enough, but it has no application to the subject. What sluggishness, what dependence, what beggary, either of an individual or of a nation, may not be defended by the same argument? You cannot be exhausted of more than you have. Very true; but, what would be just as bad, you can be exhausted of all that you have—all the consolation of that argument will apply as well to a pauper in the poor house. Bonaparte and the British ministry, it has been stated, wrangled for whole weeks, if not for months, during the peace of 1803, about the quantities of goods which the people of the two nations might exchange with each other. Each party, obstinate to the very last in refusing to take the products of the other, unless they were permitted to be paid for in the products of the nation receiving them. Whether right or not, all this was done by statesmen; and let it not be forgotten that, while doing it, they had all the metaphysical books of the economists before their eyes; or, if not all their books, yet all their discoveries had been made before that time, made and published by Frenchmen and by Britons, for the good of their own dear countries, and calculated for their own latitudes. Of these discoveries, the grandest is said to be that, in order to get rich, a nation has nothing to do but to refuse to eat or drink or wear any thing made or produced at home, provided it can be had cheaper from abroad, so that we see how completely opposite to these discoveries has been the practice of the two nations; and, from this, and from all their conduct before and since, it is plain that the two countries which produced these political economists have always looked upon them as so many conceited enthusiasts, and have taken special care never to meddle, practically, with their books, except so far as to print and export them. In some foreign countries, they have had, to be sure, an amazing run. I am not going to try my hand at disentangling their arguments. Let it be, that all their reasoning on the subject is so correctly metaphysical, and so deep, as not to be comprehended nor refuted. What then? In legislating for a great country, are we to draw our information and our opinions from the deductions of theoretical writers? Or are we to look to the practice of statesmen, and to the actual effect which different systems have had upon the prosperity or the decay of nations? In the concerns of private life, we know how to guard ourselves from the delusions of theory. If a projector brings us his patent machine, we do not ascertain its utility by sitting down to chop logic with the inventor, and puzzle ourselves with his metaphysical reasons, wherefore the contrivance ought to answer the purpose; but we cut short the debate by asking, how will it go? how will it work? So, if you are sick, and a quack produces a bottle full of his medicine, though he may call it the very elixir of life, and may enter into all the most sophisticated refinements of unanswerable reasoning to show the properties and effects of the ingredients he may have put into the kettle, yet, because you cannot refute the doctrine, you do not, therefore, swallow the drug, at any rate, not until you ascertain the small matter of fact that it has cured, or at least not killed, some former patient. So in every thing else relating to the real business of private life, we, in the same way, know how to distinguish what is useful from what is good for nothing, or pernicious, and we invariably trust not to the palaver of argument, but to the test of experience. Let us, then, apply the same rule of common sense to the business of the public, and not think it enough to be told that such and such is the opinion of the immortal modern philosophers. The best of philosophers are not, perhaps, of much use in practical legislation. The gentleman from New York (Mr. CAMBRELENG) has instructed us by a very good quotation from Edmund Burke. Let him, if he pleases, try his hand again at the business, and see if he cannot produce Burke's opinion of this race of political economists.

Somebody (no matter who) once imagined how thunderstruck a quack would be, if, in the very heat and midst of his harangue upon the virtues of his medicine, one of his patients, at the first draught, should drop down dead before his eyes! But he (whoever he was) knew nothing of modern times, our quacks of economists, and their disciples, so far from being confounded, seem to acquire fresh assurance upon the death of every new patient. Holland took the dose, and is blasted. Russia tried it for a while—with what effect, has been already sufficiently stated. To describe the condition of that country, while under the operation of the drug, is exactly to describe our present condition. We have had fully enough of it. No nation has ever escaped, that has followed "the new guide to wealth." Even our very Indians have not escaped. They, to be sure, have never read Adam Smith. But, corrupted and undone by partial civilization, or by the neighborhood of civilization, (not all of them, perhaps,) they are true modern political economists from instinct or habit, and without dreaming of any exertion to help themselves, from mere laziness, depend on begging, as we do on importing. And what a glorious proof it must have been of the wisdom of the immortal modern philosophers, to have seen those Indians, with their bare backs, waiting for an arrival from England, and our importing Government obliged to depend upon the magnanimity, or, if you please, upon the avarice of our enemy, for a supply of blankets to save the yellow economists of the forest from perishing!

I have said that Great Britain and France, the countries that produced the political economists, reject their doctrines. Gentlemen say that Great Britain is fast becoming a convert to the books; and they prove it, not by acts of legislation, but by selecting a stray speech or two. If the strictness of their laws respecting navigation has been in some instances relaxed, what has that to do with their protection of agriculture and manufactures? So, some of our regulations in favor of our own navigation have been relaxed, not from any liberality to foreigners, but for the benefit, and probably at the request, of our own merchants. In these restrictions on navigation, it is found at last there are two sides. But will gentlemen seriously contend that the British Government have thought of admitting our grain and flour, and the manufactures of France, without restriction, into the consumption of their country?

The gentleman from New York, (Mr. Cambreleng,) in opposing this bill, has asked, "Do you not see the angry war-clouds gathering in the South?" As if the probability, or even the possibility of war, was not of itself the strongest reason; and even if there was no other, was not of itself a sufficient reason for our encouragement of domestic manufactures, and dependence upon our own industry. Whether we regard the revenue necessary for carrying on war, and the inconvenience and danger of stopping it at the time it is most wanted, or any other of the resources demanded for carrying it on; or the loss and confusion which attends the sudden interruption of our usual supply of manufactures,—it is very clear that domestic industry is more wanted for war than for peace.

There is a matter which, as it has been already discussed, I shall advert to very briefly. It is said the passage of this bill will be peculiarly injurious to those portions of the country whose staple article is cotton. Let it be remembered that it has been asserted (and though denied, the denial has not been supported by fact or argument or probability) that the protection allowed by this bill, to the different interests comprehended in it, is not so high nor so complete, generally, as the protection by the existing law to the cotton grower of a duty of three cents per pound on the imported article. And further, it has been said with great truth, that no article better deserves to be protected; and that there is no portion of our agricultural industry, nor scarcely any portion of our manufacturing industry, that requires a larger protection. The consumption of cotton in our country is at present immense. With a due encouragement of our own manufactures, it must be next to incalculable. Those manufactures must afford a certain market—it ought to be the *greatest* market—it *will* be the greatest market.

I speak the opinions of men practically acquainted with the whole subject, when I say that, with what is called free trade, our cultivators of cotton must be undersold by other nations; and their reasons appear conclusive; that it is an article which, in some other countries, has but lately began to be cultivated, with the greatest success; and that nearly all countries, where it is raised, are possessed of advantages in almost every respect superior to ours; that they have generally a better soil; that the greater rigor of our climate in Winter makes the clothing of slaves in our country much more expensive—while the greater lenity with which they are treated, a lenity produced by our laws or our manners, makes their labor less profitable to the master. So that of all parts of our country those most unanimously opposed to this bill owe the most, and must continue to owe the most to the system of protection. If protection is a tax for the benefit of those protected, that tax is imposed for the benefit of the cotton grower: rightly, I say. And if an increase shall be required to effect the full purpose, I am for increasing it. But I am not for stopping there, but for giving, upon the same principles, a just and equal protection to domestic industry wherever else it may be wanted, so as to secure at least our own markets for the productions of our own country.

Mr. Tod having taken his seat—

Mr. Hamilton, of South Carolina, rose in reply, and observed that, although the gentleman from Pennsylvania has buried in the very centre of his argument the personal notice with which he has been pleased to honor me, in a manner somewhat calculated, at this late hour, to subtract from the effect of its pungency, I cannot permit his sarcasms, caustic and successful as they have been, (and however hopeless the warfare on my part,) to pass without a brief, and I trust, temperate notice. I confess, without any feeling of self reproach, that the excitement they occasioned has gone by, and I now regard what he has said "more in sorrow than in anger."

The gentleman from Pennsylvania knows, and knows full well, that I did not require his admonition this morning to convince me that I had wronged him yesterday in the tone and temper of my remarks. He has, therefore, correctly stated, what I do not blush to hear, that I waited on him this morning, and expressed my sorrow and voluntary regrets for the unkind and disrespectful character of these remarks. In truth, sir, the reflections of my pillow advised me of my error. Yesterday, in the heat of an irritating discussion, I spoke intemperately of the gentleman, without just provocation; for it would be uncandid in me not to admit that, during the unpleasant and protracted discussion of the tariff, his manner has been civil, and his temper, on the whole, conciliatory. When, therefore, I made him this atonement, I did it without parsimony or stint, from the sincere overflowing of my regrets. I moreover confess, in making him the reparation to which he had, then, so just a claim, I did not measure my words with a punctilious jealousy, but went cordially and honestly to the purposes of conciliation; for I felt that these were offices which became me, as a gentleman, even if I could be altogether insensible to the obligations of a Christian. From this statement, I might, I think, without hesitation, submit to the candor and magnanimity of this House the question, (if I desired such support) how far I have merited the harsh and unkind retort of the gentleman, *after all that has passed*. Yet, nevertheless, though his conduct does not permit me to reiterate, on the present occasion, the atonement I privately made him, I scorn to take back one jot if it. No, sir: This is due to the House, if not to the gentleman himself. I was wrong yesterday; I will not put myself more entirely in the wrong, to-day, by the smallest intemperance. The gentleman has got his reparation, and may keep it.

The gentleman will, I hope, bear with me, when I say that, from the character of that gallant and luckless knight (Don Quixote) to whom he has alluded, (and who, by the way, was one of the best bred men of his time,) he might have learnt a useful lesson of courtesy and generous feeling, neither difficult in its practice, nor requiring very romantic notions of honor: That, when a foe proffers atonement, to receive it in the spirit in which it is tendered. But let this pass. The gentleman may have sentiments of his own, on this subject, the permanency of which I will not disturb, either by my counsels or commentary.

There are a few things, however, which it has pleased him to say of me, that are somewhat too serious, at least for my own laughter. He accuses me of an overweening conceit in my own merits and opinions. As this is one of those charges to which, if a man pleads, the very plea involves him in ridicule, I shall say nothing. But there is one thing which I have no hesitation in confessing, that the charge might be urged with great force and justice against me, if *I* had risen in my seat time after time, and *sneered* at the authority of Smith, Ricardo, and Say. I thank God that I have not had the presumption to speak of these men as shallow and visionary thinkers, or to put my exploded common place, and idle prosing in competition with the fruits of their wisdom, experience, and research. I leave the application to be made by those who have witnessed the career and the opinions of the gentleman, and content myself with telling him, he had better take care how he throws stones. His own tenement may be more frail than his self complacency will permit him to believe.

But, in reference to another subject, the gentleman's sarcasms have indeed been most triumphantly successful. He has tried me by a standard, and I have been found wanting. He has contrasted me with that gentleman (Mr. LOWNDES) whose most unworthy successor I am. The very contrast has barbed the keenest arrow in his quiver. I could have learnt my immense inferiority to that great and good man without the lessons of that gentleman. It would almost be presumptuous in me to say, that I was humbled by the comparison, for I know the distance between the orbit of my predecessor and my own. I nevertheless thank the gentleman even for his tribute to the memory of this pure patriot and profound statesman. It has been delightful to my heart in spite of his unfeeling parallel. Will he permit me, however, to say to him that I think we may both of us live and learn by the example of this individual. He must pardon me, moreover, for saying that I regret, when this example was a living instruction for him, he profited so little by the advantages he enjoyed. The opinions of this statesman might have taught him less confidence in his own, more especially in relation to the tremendous measure of which he is the leading and uncompromising champion. I might even recommend, as a pattern for the adoption of this gentleman, the modesty and humility of my predecessor; but I will not turn his own comparison against him. It might be made stinging enough for the purposes of the most vindictive retribution.

The gentleman has likewise accused me of having referred, (no doubt he meant to imply,) with some vaunting and presumption, to the fact of my having been in the army. I do not mean to charge him with intentional error, but, by the most painful tax to which I can subject my memory, I have not the most distant recollection of ever having discussed a subject before this House, into which I could have forcibly lugged any such reference. I would fain believe, as well as hope, that the gentleman is mistaken; for, however proud I may be of having once belonged to one of the noblest of all professions, yet I am habitually cautious of alluding to it. It was not my fortune to win laurels, or perhaps to deserve them. The soldier who cannot show these memorials of his valor had better speak sparingly of his calling. I will, therefore, say to that gentleman, that, to prevent the passage even of the pernicious bill on our table, I would make no appeal to the sword, which he accuses me of having done. When, therefore, in jest or earnest, it matters not which, he ascribes to me a disposition to fight him into a conviction of my own opinions on the subject, I will say to him, and I thank God I say it with the most perfect sincerity, that I would not, in malice, seek his blood even to prevent the passage of forty tariffs as potent as the one he has advocated!

The gentleman has most generously told me that I may be, at some future period, not entirely useless to my country, after a protracted discipline and cultivation to which, in his candor and condescension, he has indicated no limit. Even this single lump of sugar he has not permitted to come to my lips without being dissolved by the surrounding acid in which it is dropped.

I fear, however, in his estimation, I shall never reach this point of improvement. If my usefulness is to be measured by his own utility, I shall perish in the desert before I reach his land of promise. I do not think I shall ever attain that *acme* of wisdom which will qualify me to sit in judgment on Smith, Say, and Ricardo. I trust, however, if I do, I shall be able to prove, by something more significant than unmeaning sneers, that I have at least read, if not digested, what they have written.

I must, before I have done with the gentleman, not permit him to have the whole game of playfulness in his own hands. He must recollect I am still somewhat in his debt, although I feel that, in humor and wit, I can never discharge it.

When I commence my knight errantry, (for the adventures of which he seems to think me quite as well qualified as Don Quixote,) I shall certainly select him, above all other men on the face of the earth, for my Sancho. For the offices of a faithful squire he is admirably qualified. "Right merry and conceited," prudent and discreet withal, full of mirth, and with such an admirable knack at raising a laugh, even at his own expense, that I should find in his wit a never-failing resource, even after a rib-roasting in a blanket, or during the operation of the sacred balsam. It is true that he tells me he will not fight, with, or without compulsion, and, although I should have to do all this troublesome part of our adventures myself, yet I think I might calculate on the unpremeditated gallantry of my squire on some occasions. If he would leave me to myself to rescue a forlorn damsel, or to attack the genius of an enchanted castle, I am sure that the sight of a *flock of sheep* would inflame his valor to the highest pitch of enthusiasm. Chivalry itself would co-operate, at such a crisis, with his ruling passion; for, on this enterprise, he would be merely at his old game, sir—*wool-gathering.* Yes, sir, a business in which he has been engaged for the last seven weeks, with a perseverance that is beyond all comparison or praise.

But I am done with the gentleman. If I possessed both the gall and the wit of Aristophanes, I would not say one word more. I part with him in the spirit and with the feelings of peace.

Mr. Tod rose, and, after making one or two remarks in reply, said, that he would not consent to become the squire of the gentleman from South Carolina without he would enter into bond and security to give him the island of Barrataria as the reward of his services.

Mr. Hamilton replied, that the gentleman should have his island to a certainty, but upon the express terms and condition that he should confine his tariff exclusively *within its precincts.*

The question was then put, and decided by yeas and nays, as follows:

Yeas—Messrs. Alexander of Virginia, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Brent, Buchanan, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Farrelly, Floyd, Forsyth, Frost, Fuller, Garrison, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hooks, Houston, Isacks, Kent, Kremer, Lee, Leftwich, Lincoln, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Matson, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Richards, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of S. Carolina—101.

Nays—Messrs. Adams, Allen of Massachusetts, Allison, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buck, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Findlay, Foot of Connecticut, Forward, Harris, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Lathrop, Lawrence, Letcher, Litchfield, Little, Livermore, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—99.

So the House concurred with the Committee of the Whole, in reducing the minimum on woollens from 80 to 40 cents.

And then the House adjourned.

Thursday, April 8.

A new member, to wit, John Taliaferro, in place of William Lee Ball, of Virginia, deceased, appeared, was qualified, and took his seat.

Mr. Hamilton, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the gradual supply of cannon, bombs, howitz, shot, shells, and materials for carriages, for the fortifications of the United States, and for other purposes," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. Brent, from the Committee on the Judiciary, to whom the subject had been referred, reported a bill disapproving, in part, an act of the government of the late Territory of Orleans, incorporating the Orleans Navigation Company, passed on the 5th day of July, 1805; which was read twice, and committed to a Committee of the Whole.

The resolution offered yesterday by Mr. GAZLAY, respecting a township of land in Symmes's patent, was taken up, and agreed to.

The resolution offered yesterday by Mr. FORSYTH, in relation to cessions of land to the United States by the Cherokee Nation, was taken up, and agreed to.

On motion of Mr. TATTNALL, the Committee on Naval Affairs were instructed to inquire into the expediency of establishing a navy yard for the purpose of building and repairing sloops of war, and other vessels of an inferior class, at some suitable point on the St. Mary's river.

On motion of Mr. WICKLIFFE, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the justice and propriety of settling and allowing to the widow of Lieutenant James Norris, the arrearages of pay due to him for his Revolutionary services.

THE TARIFF BILL.

The House then passed to the unfinished business of yesterday, being the report of the Committee of the Whole, on the bill for a revision of the Tariff of Duties on Imports.

The question being on the second amendment reported by the Committee of the Whole, viz: to strike out, after "manufactured," in the 51st line, to the end of the section, "a duty of twenty-five per centum ad valorem, until the first day of June, 1825; afterwards, a duty of thirty per centum ad valorem, until the first day of June, 1826; afterwards a duty of forty per centum ad valorem, until the first day of June, 1827; and, after that time, a duty of fifty per centum ad valorem;" and insert the following: "A duty of twenty per centum ad valorem, until the first day of June, 1825; afterwards, a duty of twenty-five per centum ad valorem, until the first day of June, 1826; afterwards, a duty of thirty per centum ad valorem, until the first day of June, 1827; afterwards, a duty of thirty-five per centum ad valorem, until first of June, 1828; afterwards, a duty of forty per centum ad valorem, until the first of June, 1829; afterwards, a duty of forty-five per centum, until the first of June, 1830; and, after that, a duty of fifty per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

Mr. POINSETT rose, and said, that he should make no apology to the House for making, at this time, the remarks he was about to submit on the general principle of the bill. In adopting this course, he only followed the example of the chairman of the Committee on Manufactures, and of those who had preceded him in this debate. That, in what he was about to say, he begged to be understood as not calling in question the sincerity of those gentlemen who declared that, in this measure, would be found a relief for the depressed state of the country, and the means of promoting its present prosperity, but he wished the Committee to believe him equally sincere in expressing his deliberate conviction that this measure will check the growth, if it does not utterly destroy the prosperity of the country; that it is calculated to change the character of our institutions; to drive thousands of our fellow-citizens from the business and pursuits for which they were educated, and in which they have hitherto found wealth and happiness; to build up large fortunes among a favored class at the expense of the people, and on the ruins of the commercial and agricultural interests of this Union; to substitute the miserable population of manufacturing towns for our hardy race of husbandmen and sailors, to whom we owe our liberties, our safety, and our national glory; to plunge this country into all the corruption and immorality which are the never-failing consequences of a prohibitory system of duties; and, by depriving Government of the revenue now derived from duties on imports, to compel it to resort to internal taxation and excise, which, however lightly gentlemen may treat them, are most odious to a free people. But, sir, said Mr. P., the evil to be dreaded, above all others, from the adoption of this measure, is the hostile feelings it will create between the different interests in various parts of this Union, and the combinations that will be formed, in the agricultural States of the South, to protect themselves against its destructive effects. The agricultural States of the South, said Mr. P., are devotedly attached to the Union; and even this measure, harsh and unjust as it is, and violating, as it does, the spirit of the compact, cannot drive them from it. They have proved their attachment to the Federal Government, not only by submitting to sacrifices without a murmur, but by courting them whenever they believed the good of the whole required sacrifices at their hands. They have never murmured at any revision of the tariff for the purposes of revenue, however hard and exclusively it bore upon their interests; but this attempt to encourage one branch of industry at the expense of all others; to protect the manufactures of the country, by sacrificing to them the navigation, the commerce, and the agriculture of the country, they will resist, by every Constitutional means in their power to adopt, and they will resist it successfully; for they will be aided by the interest of a vast majority of the people of this country—interests which will be deeply affected by a very short trial of what may be truly called a foreign policy—for it has nothing American in it.

The people of the West will soon discover that they cannot enter into successful competition with the Eastern States in the manufacture of the simplest articles; it will require but a brief trial to convince them that they cannot contend with a people who possess the advantages of capital and a sound currency; of superior skill, more steady habits of industry, free labor and cheaper, and more direct transportation to the markets of consumption.

The gentlemen of the West are deceived by the market that portion of the Union enjoyed for its manufactures during the last war. They forget that the communication along the coast, at that time, was interrupted by the enemy. In time of peace, when the easy and cheap transportation by sea is open, they will be undersold, even in the simple article of cotton bagging, by their more active competitors. Perhaps we shall be told, by the admirers of the parental policy of Great Britain, that, as England is protected against Scotland and Ireland, Kentucky ought to be protected against Massachusetts and Rhode Island. This might give that State a market for its manufactures—nothing else can. As this cannot be done, the inhabitants of the Western States will feel only the evils of this English policy, they will be deprived of the advantageous market they now enjoy in the South; for, if we are cut off from our intercourse with Europe, as there is good reason to believe we shall be by the operations of this law, we shall no longer be able to purchase the produce of the West; we shall not have wherewith to pay for it; we shall be compelled to adopt the last of the "alternatives" so kindly presented to us by the honorable Speaker—we must raise and manufacture every article we require, or we must starve. And when, besides this certain loss, the people of the West have to contribute to the support of Government, not as at present, indirectly, by imposts on articles which they may consume or not, as they think proper, but by direct taxes, and by an oppressive excise, they will become as eager and as clamorous for the repeal of this law as they now are for its passage.

The people of the Eastern States, after being compelled to abandon the pursuits of their early life; after being driven from the employments afforded by navigation and commerce, and from the manufacture of ships to that of woollen and cotton cloths, will find that the same act leaves them without a market at home or abroad for this product of their industry. The general poverty to which the agricultural States of the South will be reduced by the operation of this law, will deprive the manufacturers of their best market at home; and advantageous treaties between the manufacturing nations of Europe and the cotton-growing countries south of us, will deprive them of their only foreign market. In our political combinations we ought always to infer, that nations will pursue that policy which their interest dictates. If we refuse to take the manufacture of Great Britain, it will become the interest of that nation to foster those States that will do so. The free Governments of South America, south of us, already manifest a preference in favor of that great commercial and manufacturing nation, and we are about to furnish them both with still farther inducements to unite more intimately, to the exclusion of our raw material on the one hand, and of our manufactures on the other. The inevitable consequence of such a system will induce the people of the Eastern States to unite their efforts more strenuously than ever to those of the people of the South, to restore that order of things under which they have enjoyed unexampled prosperity, and will be content to lose one-half of their capital to effect the change. It is well known to every gentleman on this floor, that a very large proportion of the capital of the manufacturer is fixed capital, buildings and machinery; and if, after this dangerous experiment, a reaction should ensue, as it certainly must, there is no calculating the amount of capital that will be lost to the nation. One of the most serious obstacles to the creation of manufactures by legislative provision, in a Government like ours, consists in the uncertainty of the duration of such unequal laws. This consideration ought to deter us from adopting this measure, even if it were as politic as it is really unjust, arbitrary, and ruinous. It is difficult, likewise, to calculate the amount of capital that will be sunk in trying this scheme. Capital never changes its course suddenly and violently without great losses. They will be experienced on all property now employed in navigation and commerce, on ships, docks, magazines, warehouses, and lands, and houses in our seaport towns. And for what are we called upon to hazard this costly experiment? To protect and foster the manufactures of the country. They do not need it. They have grown up rapidly and steadily with the protection they now enjoy. Capital has been gradually withdrawn from commerce and agriculture, and has been invested in manufactures as a more profitable employment for it. They are not only able to meet the foreign article in the home market, but are brought into successful competition with foreign fabrics abroad. From the advantage now enjoyed by our manufactures, of having the best cotton in the world at their own doors, their fabrics are of superior quality to the same description of goods manufactured in Europe, and are preferred by the Americans of the South. The consumption of our manufactures is already great in Buenos Ayres and Peru, in the Brazils and in Mexico, and whenever our interests shall be properly attended to in those countries that consumption will be increased, unless, indeed, the policy we are about to pursue deprive us of those markets. If we refuse to take the wool and tallow of Buenos Ayres, and the hemp of Chili, must we not expect countervailing regulations on their part? It is ridiculous to compare the complaints of the manufacturers with the provisions of this bill. One of their memorials sets forth—"That 'they are unable to cope with foreign nations in 'supplying our markets with woollen goods. Their 'machinery is more perfect, the wages of labor 'are less, and wool is more abundant and cheaper." And we propose by this tariff, (if we credit its advocates,) while we find employment for half a million of the idlers of the land, who exist only in the imagination of gentlemen, to augment the wages of labor, and to raise the price of wool, by prohibiting the importation of the foreign article. The defect of skill and machinery is probably to be provided against, by prohibiting the importation of the best iron for casting the finer parts of machinery. But it is New York that will feel most oppressively the injurious effects of this measure. It is there that its operation will be most ruinous. That State, with its sea-girt frontier, (if I may be allowed the expression,) is essentially commercial. Its prosperity depends mainly upon that of the city, which must be deeply affected by the privation of the carrying trade of the bulky agricultural products of the South, and by the prohibition of foreign importations, which the chairman of the Committee of Manufactures told us yesterday was the avowed object of the bill. With the decline of navigation and commerce, the great advantages now derived from the happy situation of this seaport will be wrested from it; the market of New York must fail; it cannot remain one of great consumption. Capital will depart from it, and be diverted into other channels. There will remain nothing to give in exchange for the produce of the interior, and it must rot upon the hands of the farmer. The great canal, so justly the pride of the State, will become a stagnant pool, choked with weeds, instead of bearing on its surface the rich products of the West, and the produce and manufactures of every soil and of every clime. I saw, said Mr. P., the seaport towns of France during the existence of the restrictive system of Napoleon. The houses were abandoned; they were worth little more than the dry trees of the forest. Grass grew upon the borders of the docks and in the streets. They were the abode of poverty and wretchedness, and such must be the condition of New York under the operation of this law. The honorable Speaker quoted, the other day, Napoleon's account of the operation of his favorite prohibitory system—a measure directed entirely to injure Great Britain, not to benefit France. He attributed the prosperous and flourishing state of France to the effects of prohibition. I, said Mr. P., humbly apprehend that the prosperity of that country is due to other and very different causes—to the emancipation of that people from despotism and superstition, to the distribution of the Church and Crown lands into small farms, by which means the peasantry of France became proprietors of the soil, and were elevated to the rank of free and independent landholders. This change is in itself sufficient to account for the improved condition of that country. The state of the seaport towns of France during the prohibitory system of Napoleon, was not more deplorable than that of the manufacturing establishments. The fabrics of other countries found their way into France, notwithstanding the vigilance of a host of custom-house officers. Their price was enhanced to the consumer, the revenue was defrauded, but they could be purchased in any part of France. It is true, that the internal commerce of the country was extensive and flourishing. But what did it arise from? From war! That was the only trade which flourished during the reign of Napoleon. The only manufacture in successful operation was that of arms, with the exception, perhaps, of that of silks, and their prosperity was due to other causes, and principally to the superior quality of the raw material, the produce of the country. Such was the state of the cotton manufactures that Government connived, and, indeed, still connives, at the introduction of the finer sorts of thread from England, without which the manufactures of fine cottons could not go on. They are prohibited, but if the manufacturer can smuggle them over the frontier he may use them. I shall not comment on this most singular policy—the natural consequences of measures like the one proposed by this bill. The wars in which France was engaged, were carried on beyond her own frontier, and at the expense of enemies and allies. The beneficial effects of such wars upon the internal commerce of the country must have been great. Clothing half a million of soldiers, feeding them on their peaceful passage to the frontier, the transportation of provisions, clothing, arms, munitions of war, gave life and activity to the interior of France—causes altogether foreign to the prohibition of imports. Our attention has been called to the public works erected in France, as a proof of the prosperity of that country—a prosperity arising, it is said, out of the prohibitory system. What were they? Magnificent roads over the Alps to open an easy communication with Italy, in order to keep those States in subjection; roads and canals for the transportation of heavy ordnance and munitions of war to the frontiers; monuments erected as trophies of the victories of the conqueror of Europe. Neither such causes nor such effects ought to be subjects of admiration to the people of this Republic, much less, of imitation. The honorable Speaker and the Chairman of the Committee of Manufactures account for the prosperity and depression of nations by the existence or absence of a prohibitory system of duties; they reject the theories of speculative writers as too absurd to require refutation; they triumphantly appeal to facts; they would direct their footsteps by the lamp of experience. Let us, then, examine the facts on which they rely. Ireland and Spain are the two countries of the world where the industry of the inhabitants is most unprotected, and are, on that account, the most miserable countries in the world. That was, I think, the proposition of the honorable Speaker, and of the Chairman of the Committee of Manufactures. The subject of the state of Ireland is now before the British Parliament, and it would appear that both the Treasury benches and the Opposition are so blind as to attribute the depressed state of that country to the unequal distribution of property, to the non-residence of landholders, to the system of underletting, so oppressive to the poor cultivator, to the exaction of excessive taxes and tithes, and to the degraded state of four-fifths of the population, who are denied the privileges enjoyed by their Protestant countrymen. Not one word of want of protection; nothing said of the necessity of prohibition. That oppressed people themselves would be not a little astonished, if told, that the remedy for all they suffer was so simple. Parliament had only to extend the "sweets of prohibition" to Ireland, to render the people prosperous, and to make the land flourish like a garden. It is surprising that so simple a remedy never occurred to her patriot statesmen—to Curran, Grattan, Hamilton, Rowan, Tone, or Emmett. But I cannot discover any essential difference, in this respect, between England and Ireland. What difference there is, is in favor of the latter. The linen manufacture, the most important in that country, is not only protected from foreign competition, but enjoys a bounty on its exportation. By an agreement between the two countries when they were united, a duty of ten per cent. is exacted upon the manufactures of each country, when imported into the other. These union duties, as they were called, were intended to favor Ireland, and the duty on the raw materials of manufactures is somewhat less when imported into Ireland, than when imported into England. The Irish manufacturers have lately prayed for a repeal of the union duties. They say nothing of the propriety of further protection from foreigners. They are now able to enter into competition with the English manufacturer, and desire to have the markets of England and Ireland open to the rival industry of the manufacturers of both countries.

What is the fact with respect to Spain? The depression of that country was very satisfactorily accounted for by the gentleman from Virginia; but, Mr. Speaker denies that the causes assigned by that gentleman have had any effect, and attributes the decline of Spain altogether to the want of protection. All the writers on Spain attribute the depressed state of that country to the *mestæ*, the free transit of immense flocks of sheep from the plains to the mountains and back, feeding freely and destroying the timber enclosures of the land in their passage; to the large amount of property in mortmain, to exactions of oppressive taxes and of titles, and to the abuse of the power of the Church. Jovellanos, with the fear of the Inquisition before him, accounts in this manner for the decline of every branch of industry. I will not trouble the Committee by reading any part of this report, but will refer them to the fourth volume of "Laborde's view of Spain," where they will find a bad translation of that eloquent work. And, sir, is it not true that the abuses of the Catholic Church have produced a powerful effect both upon the liberties and the prosperity of Spain? I speak only of its abuse. As it exists in this country, I feel for that religion the greatest respect—freed from its superstition and abuses, I join the honorable Speaker in all his admiration of its principles. But, sir, the power and influence of the Church in Europe has been abused to the destruction of the prosperity of many countries under its dominion.

The Speaker says it is not so, and calls upon us to look at France—France is not now under the dominion of superstition; and compare its present state with what it was before the Revolution. Look, said that gentleman, at the States of Germany, and to the difference between the Catholic and Protestant States of Germany. The gentleman from Virginia may confidently appeal for the truth of what he advanced. Look, said Mr. Speaker, at Switzerland. Well, sir, look at Switzerland—pass from the Catholic to the Protestant cantons—pass from Luzerne to Zurich, and the distinction is not more obvious; the line is not more strongly marked, that separates the desert of Atacama from the fertile plains of Chili. But, there are other causes which operate in Spain, to depress the industry of the people, and destroy their prosperity; and, as the state of this country has been so strongly urged by the advocates of this measure, as a proof of their theory, the Committee will pardon me for dwelling upon them. Laborde says that—

> "The country contains 100,000 persons, existing as smugglers, robbers, pirates, and assassins, escaped from prisons and garrisons; about thirty or forty thousand appointed to guard the public from these depredators, and often having an understanding with them; 250,000 servants, according to the enumeration of 1788; 60,000 students; 100,000 beggars, fed by 60,000 monks; 600,000 persons who are of no use to the mechanic arts."

But the number of those that live upon the fruits of the earth, without adding to them by productive labor, of the "*fruges consumere nati*," is much greater. Spain contained 10,143,965 persons. Subtract women, children, and old and infirm men, five-eighths at least of the population, leaving 3,803,981 men.

Of this number, the secular and regular clergy, were - - - - - -	125,000
The land forces - - - - -	149,956
Seamen and marines - - - -	101,379
Nobility - - - - - - -	478,716
Students - - - - - - -	47,312
Councillors - - - - - -	5,673
Scriveners - - - - - -	9,351
Domestics - - - - - - -	276,090
Persons employed in collecting taxes -	27,922
Total - - - - -	1,221,799

Leaving only 2,582,592 employed in productive industry. Among the many complicated and oppressive taxes on industry, a tax was levied in some of the provinces, on the wages of labor. In Catalonia, it amounted to 8½ per cent. upon the earnings, which were calculated upon one hundred and eighty days of labor; one hundred and eighty-five days being supposed to be consumed by Sabbaths and festivals of the church. Look at the difference between the Alcabala and other provincial duties on articles of home produce, and manufactured in Spain, and on those imported. The first paid only two per cent., the second fifteen; and, as this duty was paid as often as the article was sold, the foreign article never paid less than 30 per cent., besides other duties; for, it first paid the Alcabala, when placed in the warehouse of the merchant, and again when sold at retail; very often, indeed, 45 per cent. was paid in this way alone, on goods brought from foreign countries; so that the Spaniards enjoyed the "sweets" of protection, if not of prohibition. On this subject, Laborde has the following passage:

> "The provincial taxes include a variety of articles. These are levied upon all kinds of produce of the soil, and every branch of agriculture, trade, manufacture, wheat, and other grain, oil, wine, fruits, pulse, vegetables, animals of all kinds, and beasts of every description; upon all merchandise manufactured in Spain, as often as it is sold; upon all foreign goods, the same, after having been subject to the import duties; and these taxes must be paid every time the articles are bought or exchanged.

"The husbandman, the proprietor, or farmer, cannot sell or exchange the produce of the soil, the increase of his flocks, his poultry yard, stud, or kennel, nor the manufacturer the goods in his factory, nor the merchant those he has in his warehouses, without, at every sale and resale, paying this duty. No individual can sell his horse, ass, or pig, without being equally liable. No person can kill a calf, sheep, or lamb, from his own stock, without having previously made a solemn declaration that the animal is *bona fide* one of his own herd or flock, and that he kills it merely for the use of his own family.

"This duty is fixed at the rate of two per cent. ad valorem, for the home produce and articles manufactured in Spain; but fifteen per cent. for that brought from foreign countries. It is paid every time the goods change their owners; and instances have occurred where they have paid it ten, twelve, and fifteen times before they came into the possession of the consumer. Numerous substances pay many times when they are converted into different forms: as grease, three times—first, when purchased with the animal which produces it; afterwards, as tallow; and thirdly, when made into candles; oxen, calves, sheep, lambs, and pigs, twice—first, when purchased by the head; and, secondly, when the carcase is sold retail; the first three pay it a third time, upon the skins when dressed; grapes pay it three times, as, first, when converted into wine, and again when made into vinegar; oil three times; first, as oil, second in soap, and lastly when changed into paint; wool and silk pay twice; first, in the raw material; and, secondly, when converted into cloths and stuffs.

"This duty is one grand obstacle to agricultural improvements, because chiefly falling upon articles of prime necessity, and of ordinary and most extensive consumption. It principally oppresses those persons who, from their scanty means of subsistence, are obliged to purchase from a fourth or a fifth hand, and who, consequently, pay this duty an equal number of times over, while the rich, who can buy by the wholesale, and of the first supplier of the market, pay it only once."

Speaking of the state of the manufactures in Spain, Laborde says:

"The very high price at which goods manufactured in Spain, sell, arises from a combination of causes. The dearness of provisions, the great expense of manual labor, the few hours workmen labor in the course of the day, the number of holidays, in which none or very little work is performed, the difficulty and high rate of conveyance of articles used in the manufactories, from want of canals, navigable rivers, good roads, and convenient carriages; and the duties imposed, not only upon the raw, but also upon the manufactured article, the constant restraint resulting from fiscal obligation, the domiciliary visits, the difficulties continually arising from persons employed in collecting the customs, are all so many obstacles which hinder the sale of national manufactures, and consequently impede the progress of national prosperity."

The prosperous state of Great Britain is due, say gentlemen, entirely to the protection afforded to its commerce and manufactures, to its restrictive and prohibitory systems. The first was intended to foster the navigation of the country, and was considered, at the time of its adoption, as hostile to commerce. I will not detain the Committee by reading extracts from the work I hold in my hand, "Reeves on Shipping." From that work, it appears that all the acts on this subject were intended to protect navigation. They were at first entitled "acts for the maintenance of the Navy;" and afterwards, "acts for the encouraging and increasing shipping and navigation;" and, in the history of these acts, it will be seen, that a constant struggle was maintained between the Government and the merchants.

On the part of the Government of Great Britain, this was certainly a wise policy at the time it was adopted. Surrounded as that nation was, by great maritime Powers, it was essential to create a navy, and the immediate interests of commerce were sacrificed to that paramount consideration. By steadily pursuing this policy, they became masters of the seas, and masters of the commerce of the world. But, for a long period, they continued to export little else than the produce of the soil. After being engaged for a long series of years in successful and lucrative trade, a vast amount of capital was accumulated, and a part of it was naturally directed to manufactures. Their establishment was favored, too, by the arrival of the refugees from France, who were driven from their country by the edict of Nantz, to seek an asylum in England. The system of protecting duties grew up slowly, and always in consequence of excessive taxation and excise upon every article of life. The corn laws which we complain of, originated in the necessity of protecting the agriculturist in England, who pays tithes, land tax, and poor rates, from the farmer of other countries, who pays none of those taxes, or where they are moderate, and who could, therefore, undersell him in the home market. It is a tax levied upon the whole community, so as to equalize the burden of general taxation, which would otherwise overwhelm the English cultivator. Such a regulation here would be an odious imposition upon the people for the benefit of one class. So far is the prosperity of the manufactures in that country from being due to protecting duties, that Lowe, in the work so frequently quoted by gentlemen on the opposite side, says, expressly, "that, of 123,000,000, the total value of 'British manufactures, 80,000,000 consist of the 'three great articles, cotton, woollen, and hardware, 'none of which receive protection from custom 'duties." "What," he asks, "was the real motive 'on the part of Government for these multifarious 'regulations—this long list of duties, drawbacks, 'and bounties? Not to confer on any of the parties, whether agriculturists or manufacturers, an 'absolute advantage, but to reconcile them to the 'taxes imposed on the respective articles of their 'produce." Great Britain has been compelled, from frequent and expensive wars, to resort to an oppressive system of taxation, and to lay an excise on every manufactured article. To encourage her navigation, and to enable the English manufactures to meet the foreign fabrics in foreign markets, drawbacks are granted, and, without that provision, English goods could not be exported or sold on any thing like equal terms with those produced by the same measure in other countries where no excise exists. Such a system would be unjust here; it would be a tax upon the people for the benefit of a single class; as for many articles of English fabric, an Englishman pays more at home than we do here. It is true that Great Britain does present a magnificent spectacle of increasing national prosperity and greatness; but gentlemen have not attributed this to its true causes—the vast accumulation of capital, superior mechanical skill, persevering industry, and minute division of labor. They have ascribed it altogether to the defects of the regulations of that country, for such they are acknowledged to be by all their writers, and all their enlightened statesmen.* There is another cause which has great weight: it is the existence of a sound national currency. Even the Opposition in England attribute the present highly prosperous state of the country mainly to the resumption of specie payments. But, sir, let us look at the state of individual happiness, and at the prosperity of the people of that country, as compared with our own. I heard, with the utmost surprise, an assertion that they were better fed, and better clothed, and enjoyed more comforts, than the people of this country. It has been my lot, said Mr. P., from inheriting a feeble constitution, to be compelled to travel much. I have been frequently in England, and, in returning to my native country, I have remarked, with pride and delight, the superior condition of the people of the United States—superior to that of every other people on the face of the earth that I have ever seen. For the truth of this, let us look at the facts. A large proportion of the people of England, about three-fifths, are manufacturers, I mean artisans, workmen, and laborers, in manufactories; for the capitalists who own them are too inconsiderable in numbers to be counted, although we seem to regard them as the only part of the community worthy to be encouraged. These men toil through life on a small stipend, barely sufficient to enable them to rear up a family, to become themselves laborers at a very tender age. This is all they ever aspire to. Owing to this circumstance, the poor laws have become a part of the manufacturing system. †If the laborer is thrown out of employment, by accident, disease, or the invention of a new labor-saving machine, he must be relieved by the parish or starve. Such is the division and perfection of labor in that country, that a man thrown out of employment from his place being usurped by *another machine*, cannot, in many years, hope to earn his livelihood in any other manner. The only advocates of the poor laws in England, and I never expected, said Mr. P., to have heard any one here praise such a system, contend that they have become necessary, in order to provide for laborers, and to equalize taxes. That is to say, to tax the landed interest for the support of the poor laborer and artisan in sickness, in want of employment, or when the proprietor finds it convenient to lower their wages below their actual necessities. The workmen whose condition is represented to be so happy, cannot insist upon an advance of wages, let the profits of the manufacturer be what they may. The wages of labor bear an exact proportion to the price of provisions, and, so far is the laborer from having it in his power to accumulate any thing, that, if his labors are accidentally suspended, he must be relieved by the parish. The workman passes in this manner through life, hopeless of ever bettering his condition; this is the case with all the lower classes in England. The servant who puts on a livery is content to die with it on his back. This makes excellent artisans and good servants; but we ought not to seek to reduce our fellow-citizens to such a state.

I will not refer to Colquhoun's statements to prove the number of beggars and disorderly persons there are in England; that is now considered of very doubtful authority. But I will refer gentlemen to the report of a committee of the House of Commons on the state of mendicity in England. God forbid that the assertion made on this floor that there are as many, if not more, beggars in our towns, should be true. The number of poor supported by the poor rates in England and Wales amounts to one million, one-twelfth of the population, at an annual expense of 6,000,000*l.* sterling, more than $26,500,000. So much for the people whose lot we, in the United States, are called upon to envy!

The effect of these regulations, which may be traced all to a system like the one proposed by the bill upon your table, upon the middle class of landholders, has been most oppressive. Thousands have abandoned their farms, and gone into voluntary banishment, to avoid the pressure of taxation, tithes, and poor rates. They may be seen in thousands, settled in France, in the Netherlands, and in Italy, living where the necessaries of life are within the reach of men of moderate fortunes.

The laws and regulations which the advocates of this bill think have been productive of the greatness and prosperity of England, and which they believe that we have only to adopt, in order to arrive at the same result, if they have had any effect, have produced the extremes of wealth and poverty—a state of society we ought carefully to avoid, if we value our republican institutions, and desire to preserve them.

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* "For some years past, there certainly has prevailed, in this country, among its ablest statesmen and most eminent writers, I should say, indeed, among all men of sense and reflection, a decided conviction, that the maintenance of this prohibitory system is exceedingly impolitic."—*Speech of the Chancellor of the Exchequer on the financial state of Great Britain.*

† At a late meeting in England, to take into consideration the state of prison discipline in that country, it was objected, that convicted felons received a larger share of meat, vegetables, and bread, per day, than could be procured by an agricultural laborer. The reply was, that the agricultural laborer could, from the poors' rates, obtain that supply which his own wages were inadequate to procure:—A state of things the American farmer is called upon to envy!

Look, too, at the force constantly kept on foot to suppress smuggling, where such a system as the one proposed exists. In Great Britain, besides a host of custom-house officers, there is an army employed in what is termed the preventive service.

In France, upwards of thirty thousand men are kept in constant employment to guard the customs from fraud. In Spain, it requires twenty-seven thousand men to collect the taxes; yet, notwithstanding those armies of custom-house officers, smuggling is carried on so extensively that a small premium will insure the transit of prohibited articles between England and France. From the Netherlands to Paris costly articles are smuggled at a premium of less than one-half per cent.* Our customs are now guarded by public opinion; destroy that—let it no longer be considered infamous to violate our revenue laws, and the whole Navy of the United States, and ten times our present land force, will not prevent smuggling. In the States of Europe, the existence of these armies of officers adds to the strength of Government. They are more dependent upon, and more devoted to, the authority that employs them, than any other description of force—we ought to be extremely cautious how we place such means at the disposal of our Treasury to enforce this prohibitory system; and on a coast like ours, no maritime force this Government can afford to keep up, will prevent smuggling.

The example of Russia is cited; Russia, say gentlemen, tried a free and unrestrained trade, which occasioned her ruin, and has wisely resolved to abandon it. The distresses of that country are to be attributed to any other cause—to the maintenance of nearly a million of soldiers—to the civil institutions of the country, and, principally, to the excessive issue of paper money. During the long wars with France, Russia, in order to subsist her armies abroad, was compelled to send almost all the specie out of the country, and to replace it by paper money, which has now depreciated so much that a ruble is not worth more than one-third of its original value. We can draw no lessons from the experience of Russia. This country is totally dissimilar. But, if their experience does apply at all to us, it is all against the conclusions of the honorable Speaker. The restrictive system was tried by the Emperor Paul; and Russia was not only greatly impoverished at the time, but lost markets for her produce, which she has never regained. The Emperor Alexander, after the peace of Tilsit, attempted to carry into effect the prohibitory system of Napoleon; but even he was compelled to yield to the will of his people. They bore, without murmuring, every burden but that. It is well known that the relaxation of that system led to the war between Russia and France, which terminated in the overthrow of Napoleon. The "enlightened Minister" of Russia will find himself as much mistaken as the advocates of this bill, in his attempt to restore Russia to prosperity, by adopting a prohibitory system of duties. The remedy must be applied to the causes of the depression he complains of. This experiment, however, may be tried without danger to Russia, already depressed as low as possible; but here, in a country in an unexampled state of prosperity, its failure will be ruinous.

And here let me remark that the happiness or misery of a people, and the prosperity or depression of a State, are comparative terms. The condition of this country, and the sum of human happiness in it, if compared with any other, would bear me out in the assertion that we are, at this moment, the most prosperous and happiest people in the world.

The honorable Speaker was at great pains to explain the amount of taxation each nation bears, and considered that as showing the comparative wealth and capacity of a country. It is true "that the burden of taxation is always relative to the ability of the subjects of it." But it is not true, that the existence of immoderate and excessive taxes in a country, proves the ability of the people to bear them without serious inconvenience or ultimate ruin. It is true, that the same amount of taxation would press more heavy upon a poor, than it would upon a rich nation; more heavy upon Spain, than upon England. But it is not true, that the amount of contributions a Government draws from the pockets of its citizens, is a proof of the prosperity or capacity of the country. It proves little more than that the expenditure of that Government is extravagant; it is not true, that because the taxation *per capita* in England, is three pounds two shillings sterling, ($13 78,) and that in the United States, nine shillings, ($2,) the prosperity of England, and the capacity of that people to bear taxation, are to those of the United States in the ratio of $13 78 to $2. This fact shows only that we live under a wise and economical Government, which, instead of lavishing the substance of its citizens, leaves them the means of accumulating wealth from the most humble beginnings. Look at the condition of the people of the two countries. How easy it is here, where the taxes are light, for the poor man to elevate himself by industry and economy to wealth and consideration; how impossible is it for the same description of person to succeed in England, where the last surplus cent is drawn from him for the support of Government; there he can do little more than maintain himself above want.

The true test of the prosperity of a people consists in their means of consumption; and, if judged by this standard, by the quantity and quality of the food and clothing they consume; by the manner in which they are lodged, and their rapid accumulation of wealth, the great mass of the people of this country are more prosperous and better able, in proportion to their numbers, to bear an equal burden of taxation, than any people in the world.

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* Mr. Huskisson, in his speech on the silk trade, repeatedly states, and quotes evidence to prove, that, notwithstanding the prohibition, French silks are introduced into England for a premium of ten per cent.; one of the witnesses says: "When I was at Paris, they had no idea I was a manufacturer, and they offered me, for an insurance at ten per cent. to send me any quantity of manufactured silks I chose to select, to any part of London I pleased, notwithstanding their liability to be seized as French wherever they were found."

Situated as we are, with an extensive seacoast frontier, our independence, our very existence as a nation, depends upon our ability to protect our shores from the attacks of great maritime Powers. The effects this bill is calculated to produce on our navigation, have been clearly and unanswerably shown by the gentleman from Massachusetts. I know, said Mr. P., we shall be told, that if it does affect our foreign commerce, it will increase the coasting trade. But, if the Atlantic States be impoverished, and deprived of the means of purchase, how can the coasting trade be carried on? If the Eastern States and New York cease to import the articles we want, what will remain to be carried? If the South is compelled to raise and manufacture for its own consumption, if it is deprived of the means of purchase, must not the coasting trade suffer? Commerce, of every description, coasting or foreign, cannot be carried on advantageously, if at all, unless it embraces articles of every description; confine it to one or two, and it perishes.

It is idle to say, that any one trade is a losing trade to the nation, if it furnishes the merchant with the means of carrying a variety of articles to other markets. The East India trade has been cited. Let us see how it operates. A vessel is sent out to Europe, with a cargo of domestic produce, and returns laden with French and German goods, suited to the Mexican and South American markets. To these are added more produce and domestic manufactures, silks and nankeens of China, dyed here. This assorted cargo is sold in Mexico, for what is the produce of the earth there—for gold and silver—which are brought to this country to be shipped to China for more silks and nankeens and teas, which are again sent to South America and to Europe.

On every one of these transactions, there remains a profit to the revenue and a profit to the merchant: yet we are told that commerce is not productive. It is productive always in proportion to its extent—in proportion to the variety of articles the merchant has to make up his cargoes with. Speaking on this subject, the eloquent Patrick Henry exclaimed, "Fetter not commerce; let it be free as air; she will range the whole creation, and return on the four winds of heaven, to bless the land with plenty."

The gentleman from Massachusetts has demonstrated the fallacy of the assertion, that the ruinous state of our commerce is deducible from the unfavorable balance of trade. He has shown, too, that the difference of exchange between this country and Great Britain did not depend only upon the state of trade between the two countries, but, in a great measure, upon the difference of their currencies. In corroboration of what he advanced, I will, said Mr. P., mention a circumstance which will make it familiar to every gentleman that hears me. Being about to leave England in 1820, and having a few sovereigns more than I required, I exchanged them, in Liverpool, for dollars. The dollar, at par value, is 4*s.* 6*d.*, 54 pence sterling. I bought them for 4*s.* 2*d.*, 50 pence sterling, which has been the price for some years past. I received for my 20 sovereigns, 96 dollars, whereas, at par value, they were only worth 88; and, by this operation, I gained more than eight per cent. The exchange at this time was in favor of England, nominally, ten per cent., so that if we take into account the freight and insurance, it was, in fact, very nearly at par. The exchange is made, not in currency, but in a merchantable commodity, liable to some fluctuation in value, in England, where only a given quantity of silver coin is issued and where payments over a certain sum must be made in gold.

The effect of this bill on our revenue, if it produces the results anticipated by its advocates, must be ruinous. It is, however, useless to urge this topic on the attention of the Committee.

It is clear that, if this bill produces the effect anticipated, of protecting and encouraging our domestic manufactures by preventing the introduction of foreign fabrics, the revenue now derived from imports must be diminished; if it does not produce that effect, it will not afford that protection—if the foreign article continues to be imported, it is, in the present state of our Treasury, an unjust and impolitic tax on consumption.

Its effects on the cotton-growing States, no one can deny. We now supply Great Britain with more of that raw material than all the world besides. But, says Mr. Speaker, "Will she refuse to take our cotton because we refuse to take her cotton fabrics, and thereby deprive herself of the market she now enjoys?" This would be true enough if Great Britain could not obtain cotton elsewhere, and must either consume ours or stop her manufactories altogether. We now supply Great Britain because we are her best customer; she may not refuse to take our cotton, but her manufacturers, who are many of them shipping merchants, will bring their cotton from those places where they sell their fabrics—from Brazil and from Mexico.

How this bill is to operate in favor of agriculture, I am at a loss to understand. Will it increase the consumption of bread corn? This can only be done by opening foreign markets, and by augmenting our population; and is this to be effected by prohibiting foreign fabrics, or by shutting the people up in manufactories? Will it augment the comforts of the people to compel them to become artisans, or enable them to consume more? The only possible effect this policy can have upon the agriculture of the country, will be, to augment the price of produce by diminishing its quantity. The farmer, deprived of a market, and cut off from all means of support by cultivating the earth, condemned to pay an increased price on every article of consumption, and driven from his home by tax-gatherers and excisemen, must seek refuge in some manufactory. The rich man will alone be able to contend against the effects of this law, and the lands must fall into the hands of a few.

And yet we are told that "the opponents of this system are the rich of the land." The effects of a system which transfers property into few hands, upon the liberties of the people, I leave the intelligence of the Committee to infer. The effects upon the freedom of election, by the existence of great manufacturing establishments, containing half a million of people, who must be under the control of a few men, is too obvious to require a comment.

The honorable Chairman of the Committee of Manufactures has likened the inhabitants of this country to an army marching to battle, and asks, what would be the condition of such an army, if every man was allowed to march as he chose, and to load and fire when he pleased? This, then, is an avowal of the intentions of that gentleman. We shall not be permitted any longer to do as we please. We are to be marshalled as an army. We must march with a regular front. No man must leave the ranks; no man is to be allowed to surpass his fellow-men, and to spring forward to gain the prize his talents and industry had placed within his grasp. We are to be reduced, like the Hindoos, to castes, and condemned to toil all our lives at one employment. I trust in God the Committee will not sanction a law intended, avowedly, to produce such effects.

The natural progress of a country like ours is first to become a great agricultural State; from that agricultural prosperity springs commerce, which ought to be fostered unremittingly until it has created a navy sufficient to protect our maritime frontier, and that commerce which gave it birth. The accumulation of capital from successful commerce leads naturally to the establishment of manufactures: to this order of things they now owe their flourishing condition in this country. The extensive commerce this nation enjoyed during the late wars of Europe, led to the accumulation of a large capital, which, as it could no longer be profitably employed in navigation and trade, was invested in manufactures. They presented to the capitalist the best prospect of profit. But, say gentlemen, we are not advancing fast enough—let us legislate the nation into greater prosperity; let us direct how every man shall employ his capital.

The most sanguine projectors of this scheme cannot believe that the prohibition of foreign fabrics will create capital; their object can only be, in their zeal for long exploded doctrines of political economy, to drive their fellow-citizens from their present pursuits; to control the industry of individuals; to urge forward the premature growth of manufactures by forcing the capital now in existence from all other channels: attempts that have proved ruinous wherever they have been made.

Look, said Mr. P., at the unexampled prosperity of this country; a population advancing with a rapidity beyond all parallel—an accumulation of capital, within a small space of time, which is almost incredible; a revenue more than adequate to all our wants in time of peace, without resorting to internal taxes. Within half a century we have become a great and powerful nation; and by what means? By the freedom of our institutions. By the liberty every man enjoyed to employ his industry and capital in the manner he judged most advantageous. By the Government having kept steadily in view the spirit of the Constitution, and having enacted laws for the benefit of the whole, without favor and without partiality. That the law now contemplated is the reverse of all this, no one can deny. It is intended to control industry, and to favor a few at the expense of the vast majority of the people. It is a law intended for the rich man, for the capitalist; it will not profit the laborer, but will drive him from a healthy pursuit to a sedentary and sickly employment—if, indeed, the number of industrious men who now gain a livelihood by the prosperous state of our seaports and of our navigation and trade will find employment, when we shall have taken from them their present means of support. There are, said Mr. P., other considerations, which he had intended to have offered to the attention of the House, but his exhausted strength compelled him to conclude.

It requires, indeed, no arguments to prove, that, by destroying our navigation, by restricting importation, and consequently exportation, the maritime power of the nation must be annihilated. By prohibiting the introduction of foreign fabrics our revenue must be impaired. By crushing the enterprise of our merchants, all who depend upon commerce for support must suddenly be reduced to povery and distress.

When Mr. POINSETT had concluded—

The question was taken on agreeing to the amendment, and decided in the affirmative without a division.

The House then proceeded to the third amendment, which is, to strike out the words "printing types" from the class of twenty-five per cent. ad valorem duties. This amendment was agreed to.

The fourth amendment proposes to insert, in the eighty-seventh line, the following: "On all ingrain carpets or carpeting, twenty-five cents per square yard."

The fifth amendment proposes to insert, "on oil cloth carpeting, and on oil cloths of every description, a duty of thirty per centum ad valorem."

With these two amendments, the clause reads as follows:

> "On Brussels, Venetian, Turkey, and Wilton carpets and carpeting, fifty cents per square yard; on all ingrain carpets or carpeting, twenty-five cents per square yard. On all other kinds of carpets and carpeting of wool, flax, hemp, cotton, or parts of either, twenty cents per square yard; on oil cloth carpeting, and on oil cloths of every description, a duty of thirty per centum ad valorem."

Both these amendments were agreed to, the first without a division, and the latter by a vote of ayes 99, noes 72.

Mr. KREMER, of Pennsylvania, then observed that he had been requested by several members who were absent yesterday when the vote was taken on reducing the minimum on woollens from eighty to forty cents, and by some others who had voted under a misapprehension with respect to the consequences of their vote, to move for a reconsideration of the vote taken.

Being called upon by Mr. A. Stevenson, of Virginia, for his reasons, Mr. Kremer stated them more fully.

It was then resolved, that the question of reconsideration should be taken by yeas and nays; and after a prolonged debate, in which Messrs. Livermore, Storrs, and Kremer advocated, and Messrs. Mercer, Randolph, Owen, and Forsyth, opposed reconsidering,

On motion of Mr. Forsyth, a call of the House was made, the names of the absentees were called over, and the doors closed; when

On motion of Mr. Randolph, all farther proceedings in relation to absent members were dispensed with.

The doors were then re-opened, and the debate was renewed by Mr. Webster, who spoke in opposition to reconsidering.

The question was then taken, and the House agreed to reconsider—yeas 110, nays 95, as follows:

Yeas—Messrs. Adams, Allen of Tennessee, Allen of Massachusetts, Allison, Barber of Connecticut, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Findlay, Foote of New York, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Henry, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Litchfield, Little, Livermore, McArthur, McKean, McLane ef Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddart, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Nays—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Breck, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hooks, Kent, Leftwich, Lincoln, Livingston, Lock, Long, Longfellow McCoy, McDuffie, McKee, McKim, Mangum, Mercer, Mitchell of Maryland, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Richards, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alex. Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of N. Carolina, Warfield, Webster, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

The question then recurring on the House's agreeing to the report of the Committee of the Whole in that amendment of the bill which reduces the minimum on woollen goods from eighty to forty cents the square yard—

Mr. McDuffie, of South Carolina, rose, and delivered his sentiments, at length, in favor of agreeing.

Mr. Cuthbert of Georgia, and Mr. Livingston of Louisiana, followed on the same side.

The debate was further continued by Messrs. Livermore of New Hampshire, McLane of Delaware, and Tod of Pennsylvania, in opposition to agreeing with the Committee; and by Messrs. Livingston of Louisiana, Webster of Massachusetts, Cobb of Georgia, Mercer of Virginia, Randolph of Virginia, and P. P. Barbour of Virginia, in favor.

Mr. Randolph expressed his surprise that the votaries of humanity—persons who could not sleep, such was their distress of mind at the very existence of negro slavery—should persist in pressing a measure, the effect of which was to aggravate the misery of that unhappy condition, whether viewed in reference to the slave or to his master—if he were a man possessing a single spark of humanity—for, what could be more pitiable than the situation of a man who had every desire to clothe his negroes comfortably, but who was absolutely prohibited from so doing by legislative enactment? He hoped that none of those who wished to enhance to the poor slave (or, what was the same thing, to his master) the price of his annual blanket, and of his sordid suit of coarse, but to him comfortable woollen cloth, would ever travel through the Southern country to spy out the nakedness, if not of the land, of the cultivators of the soil. It was notorious that the profits of slave labor had been, for a long time, on the decrease, and that, on a fair average, it scarcely reimbursed the expense of the slave, including the helpless ones, whether from infancy or age. The words of Patrick Henry, in the Convention of Virginia, still rung in his ears: "They may liberate every one of your slaves. The Congress possess the power and will exercise it." Now, sir, the first step towards this consummation, so devoutly wished by many, is to pass such laws as may yet still further diminish the pittance which their labor yields to their unfortunate masters. To produce such a state of things as will insure, in case the slave shall not elope from his master—his master will run away from him. Sir, the blindness, as it appears to me—I hope gentlemen will pardon the expression—with which a certain quarter of this country—I allude particularly to the seaboard of South Carolina and Georgia—has lent its aid to increase the powers of the General Government on points—to say the least, of doubtful construction—fills me with astonishment and dismay. And I look forward, almost without a ray of hope, to the time which the next census, or that which succeeds it, will assuredly bring forth—when this work of destruction and devastation is to commence in the abused name of humanity and religion—and when the imploring eyes of some will be, as now, turned towards another body, in the vain hope that it may arrest the evil and stay the plague.

The question was finally taken, and the House refused to agree in reducing the minimum to forty cents—yeas 101, nays 104, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Breck, Brent, Buchanan, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hooks, Isacks, Kent, Kremer, Lee, Leftwich, Lincoln, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Matson, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Richards, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smith, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Thompson of Kentucky, Tucker of Virg'a, Tucker of South Carolina, Vance of North Carolina, Van Rensselaer, Warfield, Webster, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—101.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Barbour of Connecticut, Bartley, Beecher, Blair, Bradley, Brown, Buck, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Findlay, Foot of Connecticut, Foote of New York, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Lathrop, Lawrence, Letcher, Little, Livermore, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—104.

And then the House adjourned.

FRIDAY, April 9.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts," reported the same with amendments; and the bill was committed to the Committee of the whole House to which the bill of this House upon the same subject is committed.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands," reported the same without amendment; and it was committed to the Committee of the whole House to which the bill of this House, upon the same subject, is committed.

Mr. HAMILTON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Alfred Moore and Sterling Orgain, assignees of Morris Linsay," reported the same without amendment; and it was committed to a Committee of the Whole.

Mr. HAMILTON, from the same committee, made a report on the petition of William Cocke, accompanied by a bill to compensate him for certain military services rendered the United States during the late war; which was read twice, and committed to a Committee of the Whole.

THE TARIFF BILL.

The House then resumed the consideration of the report of the Committee of the Whole on the bill for the revision of the tariff.

The House concurred with the Committee of the Whole in the fifth amendment, which is to strike out the following:

"On Russia duck, per piece of fifty-two archeens, two dollars each piece;

"On Raven's duck, per piece of fifty-two archeens, one dollar and twenty-five cents each piece;

"On Holland duck, per piece of fifty-two archeens, two dollars and fifty cents each piece."

The House also agreed to the sixth amendment, which is to substitute the four and a half cents, instead of six cents, as the duty on cotton bagging. Ayes 84, noes 62.

The seventh amendment, which is to reduce the duty on bar iron, from $1 12 to 90 cents per cwt., being under consideration—

A debate arose, in which Messrs. BUCHANAN, UDREE, BROWN, and STEWART, opposed the reduction; and Messrs. REED, RANDOLPH, TUCKER, McDUFFIE, MERCER, CAMBRELENG, WEBSTER, and MARVIN, supported it.

Mr. BUCHANAN, of Pennsylvania, spoke as follows:

Mr. Speaker, it is not my design to enter into a discussion of the general principles of the bill now before the House. Although I am fully prepared to do so, yet, time has become so precious, and so much has already been said upon the subject, that I have abandoned any such intention.

I will, however, take the liberty of asking the Committee to attend to some observations which I shall make, in reply to that part of the argument of the gentleman from Massachusetts (Mr. WEBSTER) which related to hemp and iron. The reasons which that gentleman urged, with great ability and zeal, against an additional duty upon these articles, were, that much injury would result from it, to the manufacture of ships and to the navigation of the country. In the course of his remarks, he alleged that our navigation had been left dependent upon its own resources, without any protection from Government; that it was in a depressed and declining condition; to use his own phrase, that it was barely able to keep its head above water; and that the weight which this bill would bring to bear upon it, by the additional imposts on hemp and iron, might destroy it, or, to repeat the gentleman's words, might be the last ounce which would break the camel's back. As a consequence from all these observations, he inferred that the Navy was in danger of destruction.

In opposition to this argument, I trust I shall be able to show, conclusively, that no branches of domestic industry have ever been cherished by the legislation of this country with as much care as those of ship-building and navigation; that both these branches, although they have suffered in the general depression of the country, are now in a more prosperous condition than any other portion of domestic industry; and that they are perfectly able, and ought to be willing, to bear the additional duty upon hemp and iron proposed by this bill, even if it should amount to what the gentleman supposes. If, said Mr. B., I can establish these positions, it will result as a necessary inference, that our Navy is in no danger from the measure now under consideration.

Sir, said Mr. B., it is fortunate that the first Congress which sat under the Federal Constitution, when they came to legislate upon the navigating interest of the country, were not guided by the principles which we have so often heard reiterated in this Hall. They did not belong to that school of politicians whose principal dogmas are, "Let trade regulate itself;" "Let not legislation attempt to divert industry or capital from the channels in which they are flowing into other branches." On the contrary, they believed that the manufacture of ships, and their navigation, were interests which required legislative protection, and they afforded it in the most effectual manner.

The third act which ever passed the Congress of the United States was that of the 20th July, 1789, imposing duties on tonnage. It was afterwards repealed by the act of the 20th July, 1790; which, however, re-enacted in substance the same provisions. Whilst these acts declare that ships or vessels of the United States, arriving from any foreign port or place, shall pay a duty of only six cents per ton upon each entry, they enact that all other ships or vessels shall pay a duty of fifty cents per ton, except those built within the United States and belonging to foreigners, which shall pay thirty cents per ton. The legislative protection afforded by these acts, to that portion of our tonnage employed in the coasting trade and in the fisheries, was of a still more decisive character. Whilst ships or vessels of the United States, engaged in these pursuits, paid a duty of but six cents per ton, in each year, those "not of the United States" paid fifty cents per ton upon each entry.

In addition to these discriminating duties upon tonnage, in favor of our own citizens, the act of the 10th August, 1790, added 10 per cent. to the rates of duties imposed, "in respect to all goods, wares, and merchandise which shall be imported in ships or vessels not of the United States."

What, Mr. Speaker, was the effect of this legislative protection upon our tonnage and navigation? Let Mr. Pitkin and Dr. Seybert answer this question. Mr. Pitkin, in his View, declares that—

"These extra charges on the navigation and commerce of foreign nations were sufficient to drive from our ports the greatest proportion of the foreign tonnage. All foreign nations were affected by the system we had adopted in favor of the ship-owners in the United States. The diminution of the foreign tonnage employed in our trade was, with very few exceptions, rapid, regular, and permanent."

Dr. Seybert, in his Statistical Annals, bears the same testimony. He states that—

"Our discriminations operated powerfully in favor of our shipping. Vessels not of the United States, of 200 tons burden, on entering our ports, paid £20 tonnage duty, and for a cargo of the value of £2,000, they paid £15, extra duty, more than did the vessels of the United States, of the same tonnage, and laden as aforesaid. These extra charges were sufficient to drive from our ports the greatest proportion of the foreign tonnage. All foreign nations were affected by the system we had adopted; it seemed to operate like magic in favor of the ship-owners in the United States. The diminution of the foreign tonnage employed in our trade was, with very few exceptions, rapid, regular, and permanent."

I will freely acknowledge, said Mr. B., that the wars in Europe, and our neutral condition, by placing within our reach a large portion of the carrying trade of other nations, assisted these discriminating duties in producing their effect upon our navigation, with such astonishing rapidity. Dr. Seybert states, that "in 1789, our shipping 'was not sufficient for the transportation of the 'domestic produce of the States; one-third of 'that which was then employed for that purpose, 'belonged to foreigners;" and that "in 1793, our 'tonnage exceeded that of every other nation, 'except Great Britain."

These discriminating duties, and the unexampled increase of our tonnage, alarmed the Government of Great Britain. They dreaded the rapid progress of our navigation, and made it a primary object to check its augmentation. For this purpose, they proposed, in the year 1791, "that British ships trading to the ports of the United 'States, should be there treated, with respect to 'the duties of tonnage and impost, in like manner 'as ships of the United States should be treated 'in the ports of Great Britain." By this means, they expected to crush our navigation in its infancy. They well knew, if they could persuade our Government to cast it, at that period of its existence, upon the ocean, without protection, they would obtain what they so ardently desired—a monopoly of our trade. They were convinced, that our navigation could not then endure a competition with the long established navigation of Great Britain.

The statesmen of that day, thanks be to Providence, did not act upon the modern fashionable doctrines of political economy. They refused to accept this offer of a reciprocity of trade between the two countries, which Great Britain had made. They did not adopt the principle, that trade should regulate itself. No, Mr. Speaker, they cherished and nourished our navigation in its infancy, by protecting duties; and, in this manner, infused into it such energy and vigor, that it can now fearlessly go forth, and, upon equal terms, challenge competition with the world. The same kind of protection will produce the same effect upon the manufactories which this bill proposes to encourage.

Dr. Seybert informs us, that these discriminating duties on tonnage and imports alarmed the British merchants and ship-owners. That was a most favorable omen. In this particular, I can congratulate the advocates of the present bill that they are equally fortunate. Every British merchant, every British agent, and every vender of British goods, within the United States, have taken the alarm. Should this bill pass, they know that the day is not far distant, when they shall cease to drain from us our wealth, and to enrich themselves and the British manufacturers, at our expense.

The House have distinctly perceived the effect of these discriminating duties upon the foreign tonnage of the United States. Their operation upon that employed in the coasting trade was still more decisive. In this trade, the voyages from port to port in the United States being, comparatively speaking, but short, the burden of fifty cents per ton, upon every entry, imposed upon foreign vessels, was so onerous that, in its effect, it soon amounted to an absolute prohibition. In this manner our own navigation was virtually put in the exclusive possession of that important branch of our commerce, long before the act of 1817 declared "That no goods, wares, or merchandise, 'shall be imported, under penalty of forfeiture 'thereof, from one port of the United States to 'another port of the United States, in a vessel be'longing wholly or in part to a subject of any 'foreign Power."

It is manifest, therefore, that these acts of Congress went much further in protecting our navigation against foreign competition, than the bill now before the House contemplates going, in regard to any branch of our agriculture or manufactures. And yet the representatives of the navigating interest in this House, not only complain that it has been left dependent upon its own resources, without any protection from Government; but they are the first and loudest in resisting the moderate encouragement which this bill proposes to other branches of domestic industry. Is this grateful? Is it generous? Is it just?

Here, Mr. Speaker, it may be necessary to show in what manner the acts of Congress, to which I have referred, gave our ship-builders protection. It will be found that the statesmen, by whom they were enacted, had a proper idea of the importance of encouraging the manufacture of ships; and, I trust, those of the present day are not so degenerate, that they need to be reminded of it by the toast of a Prime Minister of England, which the gentleman from Massachusetts (Mr. WEBSTER) has thought fit to repeat for our edification.

We have seen that these discriminating duties upon imports and tonnage, in favor of our own citizens, were confined in their operation to "ships or vessels of the United States." To constitute "a ship or vessel of the United States," it is necessary not only that it should be owned by a citizen or citizens thereof, but that it should have been built within the same. This is a general rule, to which I know of but two exceptions—the one in favor of vessels captured by our citizens from the enemy, and declared to be lawful prize, and the other of vessels condemned for a breach of the revenue laws. There never was a time in the history of the United States when an American merchant could purchase from a foreign ship-builder a vessel built in a foreign country, and have her so naturalized under our laws as to free her from the imposition of these discriminating duties. Of consequence, the domestic manufacture of ships was as completely protected by these regulations against foreign competition as was our navigation. The ship-builder and navigator moved hand in hand. The same encouragement was afforded to both, and the same success attended that encouragement. We are now able to manufacture ships much cheaper, as I shall show hereafter, than they can in Great Britain.

Let us now pause for a moment, and reflect what would have been the present condition of our ship-building and navigation, had the same system of policy been pursued in relation to these important interests, which gentlemen now wish to pursue towards our domestic manufactures. England, our great rival, possessed tonnage in abundance, capital, and skill. It was both her interest and her inclination to overwhelm our rising navigation. The struggle would have been between the vigor of manhood and the feebleness of infancy. Our navigation, without protection, must have been crushed. It then stood in the same relation to British navigation, that our infant manufactures do at present towards the long existing establishments of a similar nature in Great Britain.

The very same arguments which the navigating interest have used against this bill, might have been urged in opposition to the discriminating duties for their protection. The agriculturists, who had produce to be transported to a foreign market, might have argued that, if freight could be procured at a cheaper rate in an English than in an American vessel, they had a right to this advantage; that these discriminating duties were bounties, paid by the great mass of the people to the navigating interest, and, therefore, they should not be imposed. The shipping merchants might have said, Let us buy where we can buy the cheapest, and sell where we can sell the dearest. If it be for our advantage, permit us, without the payment of discriminating duties, to purchase our ships in foreign countries. Government should not, by legislation, divert capital from other branches into ship-building and navigation. Whenever it shall be for the interest of individuals to employ it in this manner, it will be so employed; and then, and not till then, will it be the interest of the nation.

The true answer to all the suggestions of this nature, which might have been urged against our discriminating duties, and have been used against the present bill, is, that a wise nation, like a wise individual, should be willing to suffer a trifling temporary inconvenience in the beginning, that it may attain a great permanent good in the end. Should you plant and nourish those domestic manufactures only, which are congenial to your country, and of which you possess the raw material in abundance; if, in their infancy, you shield them, by protecting duties, against destruction from foreign competition and foreign capital; although, for a short time, the price may be enhanced to the consumer, yet, before long, it will be reduced below that of the foreign article. Our experience with respect to coarse cotton goods completely justifies this remark.

But, upon the present occasion, we should be governed by higher considerations than these. I would vote for this bill upon the same principle that I would for the erection of a necessary fortification or the building of a navy. Are not the woollen and the cotton manufactures necessary to our independence? Is a nation perfectly independent, without clothing for its people, without iron, and without hemp? Is it either patriotic or wise to rely for the means of defence upon foreign nations, when we possess them in abundance within ourselves?

In the days of peace, whilst those nations are all desirous of pouring their manufactures upon us, and of exhausting our wealth for their aggrandizement, we shall experience no difficulty in obtaining supplies. But, let the clouds of war lower over our heads, let the nation be deprived of its foreign supplies, and cast upon its own energies for its defence, and what will then be our condition? The events of the late war, within the recollection of every gentleman on this floor, afford the best answer to this question. If there ever were a nation which should have been taught wisdom on this subject, by the lessons of experience, it is our own.

But, Mr. Speaker, I have been wandering from that portion of the subject, to which I promised I would confine myself, into the general principles of the bill. The best apology which I can make for this digression is to return to it immediately.

I admit, said Mr. B., that the navigating interest, in common with the other great interests of the country, suffered considerable depression in consequence of the general peace in Europe. I deny, however, that this depression was at all in proportion with that experienced either by agriculture or manufactures. During the long period in which the nations of Europe were involved in war, we had a large portion of the carrying trade of the world. The general pacification terminated this profitable branch of commerce, and left our navigating interest dependent upon its own resources, and those of the country. It will be found, however, upon examination, that, notwithstanding the disadvantages against which it had to contend, the Government and the people of the United States sustained it in this crisis. It has always been the favorite of our legislation.

The American tonnage, employed in foreign trade, which entered the ports of the United States, during the year ending the last day of September, 1823, was 775,271 tons. This is greater than it has been in any year ending on the last day of December, since 1811, except the years 1816, 1817, 1819, and 1820. It is nearly 5,000 tons less than in 1817; but it is above 20,000 tons more than in 1818, and upwards of 5,000 tons more than in 1821. The House will understand that I am now speaking of the tonnage which paid duties. It will at once be perceived, that this is greater than our actual foreign tonnage, inasmuch as the same vessel may, and often does, pay duty more than once in a year. If, however, we look at the actual registered tonnage of the United States, engaged in foreign trade, the prospect is equally cheering. It has been gradually increasing for several years. I hold a statement of it in my hand, from 1816 up till 1822, both inclusive; from which it appears that, in 1822, it amounted to 628,150 tons. In 1818, it had been 606,088. Between these two periods, its increase was 22,062 tons. Although, from this statement, it appears that, in 1816, it was 800,759 tons, in 1817, 809,724 tons, and that, in 1818, it was suddenly reduced to 606,088 tons, yet this is not a true state of the case. The Register of the Treasury has certified that this sudden decrease arose "principally from the registered tonnage having 'been corrected in 1818, by striking off all the vessels, the registers of which were granted prior to 'the year 1815, and which were supposed by the 'collectors to have been lost at sea, captured," &c.

Whilst the present state of our foreign tonnage presents nothing calculated to produce despondence, the condition of that employed in our coasting trade is flourishing beyond example. It has been increasing gradually and rapidly ever since the adoption of the Federal Constitution. In 1816 it amounted to 522,164 tons. In 1822 it was 624,188 tons. Thus, it appears that, in the short space of six years, it increased more than 100,000 tons. The same quantity of tonnage, in this trade, affords employment to a much greater number of sailors than in the foreign trade; and the actual tonnage engaged in each is now about equal.

This branch of our commerce must grow with our growth, and strengthen with our strength. Human foresight cannot calculate its future extent or advantages, should it be directed by a wise system of policy. The territory of this nation is so vast, and its capacities for the production and manufacture of almost every article of necessity or luxury are so extensive, that nearly all our mutual wants will, at no very distant day, be supplied by a free and unrestricted commerce with each other.

Besides, this trade will be a powerful means of perpetuating our Union. Providence, by rendering the different portions of our country dependent upon each other, has laid the foundations of that intercourse which will bind us together by the adamantine bonds of mutual interest and affection.

Sir, said Mr. B., it must strike every person with astonishment, who examines this subject, that our foreign tonnage has not been greatly diminished since the general pacification of Europe. How has this interest been able to support itself at its present amount, notwithstanding the loss of the foreign carrying trade? I answer, by the aid of Governmental protection; and, although this allegation may be at variance with that of the gentleman from Massachusetts, (Mr. Webster,) I hold myself bound to prove it.

In the year 1815 the United States, believing her marine to have acquired sufficient strength and vigor to sustain a competition upon equal terms against the world, proposed to all nations a fair reciprocity of trade. By the act of the 3d of March of that year, we declared that we would admit into our ports the vessels of every nation, carrying articles the produce or manufacture of such nation, without levying any other tonnage or impost duty than was levied on American vessels; provided such nation would admit into their ports American vessels, laden with American produce or manufactures, without imposing any impost or tonnage duty beyond that which was paid by their own vessels. On the 3d July, 1815, the United States concluded a commercial convention with Great Britain, founded upon these principles, so far as respected our trade with her territories in Europe; but her possessions in the West Indies, and on the continent of North America, were expressly excluded from its operation.

The British Government, after the general peace in Europe, determined to adhere rigidly to their colonial system, so far as their own navigation was concerned. Although they were willing that there should be a direct trade between the United States and their West Indian and North American colonies, yet they insisted that it should be carried on by their own vessels. The ports of these colonies were therefore closed against American vessels, and they were entirely excluded from any participation in the trade.

What portion of our citizens was injured by the exclusion of American tonnage from these ports? It was not the farmer, who had corn and flour, nor the planter, who had tobacco, nor the merchant, who had lumber, to be transported to market. To them it was a matter of no importance, whether these articles were carried to the West Indies in an English or an American vessel. In either case, they could be exchanged for the same quantity of rum, sugar, or molasses. It was the navigating interest alone, which was directly injured by this regulation. No other class of society had any concern in the question, except that general one, which every good citizen ought to feel in protecting the useful establishments of his country. Our navigating interest petitioned Congress for relief. What was the consequence? For their benefit, we conceived the bold design of compelling Great Britain to abandon her colonial system, and to break those fetters in which she had for ages bound this portion of her trade. On the 18th April, 1818, the Congress of the United States passed a law, declaring that "the ports of the 'United States shall be and remain closed against 'every vessel owned wholly or in part by a subject 'or subjects of His Britannic Majesty, coming or 'arriving from any port or place in a colony or 'territory of His Britannic Majesty, that is or shall 'be, by the ordinary laws of navigation and trade, 'closed against vessels owned by citizens of the 'United States." The provisions of this act were considerably extended by those of the supplementary act of the 15th May, 1820.

What, then, were the weapons with which we commenced this great undertaking? For its accomplishment, we depended altogether upon the patience and patriotism of our people. The contest was, whether our citizens interested in the trade with the British colonies, or those colonies, could the longest, and with the most fortitude, endure its destruction. How much those citizens suffered, for the benefit of the navigation of the country, will appear from the very able memorial from Norfolk, which was presented during the first session of the last Congress. The memorialists urged the repeal of these acts. They stated their conviction, that the attempt to compel Great Britain to abandon her colonial system was altogether hopeless; as she had "often and openly avowed her determination not to abandon it but with her existence." They declared that, under the operation of the existing laws, their farmers, their merchants, their dealers in timber and lumber, in fact all classes of their citizens were deprived, in a great measure, of their former resources, and were, many of them, burdened with debts which they were unable to pay. This picture, drawn by the inhabitants of Norfolk, of their sufferings for the benefit of our navigation, is applicable to every other part of the Union interested in the trade with the British West Indies.

The spirit of the country, however, nobly sustained its navigation in this contest. The great agricultural interest stood unmoved. They were willing to suffer for the benefit of the ship owners. Congress refused to repeal these acts.

Our bold policy finally triumphed, and, on the 24th June, 1822, an act of the British Parliament repealed their colonial system in favor of the United States, and opened their ports in the West Indies and North America to vessels belonging to our citizens. And yet, notwithstanding, the navigating interest complain that they have been left unprotected by the Government to struggle against the world.

Here, said Mr. B., I will take leave to remark, that I was astonished to hear it alleged by the gentleman from Massachusetts, (Mr. Webster,) that this concession, made by the British Government in favor of our navigation, was an evidence that they were departing from their restrictive system. No, sir; if it proves any thing, it is the efficiency of this system. This concession was extorted from them by the adoption of our countervailing restrictions, and is strong testimony in favor of the power of that policy, when properly exercised, to obtain justice from foreign nations. However much English statesmen may talk about the new doctrine of the freedom of trade, they take care to act, in every case of importance, upon their old principles. It is, therefore, not improbable, that the scraps of speeches made by my Lord Liverpool, and others, which the gentleman from Massachusetts (Mr. Webster) has collected and read to this House, have found their way to the very market for which they were intended. Should this bill be defeated at the present session, as I trust it will not, I have no doubt but that we shall have a fresh supply of the same articles imported before the next session of Congress. In Great Britain they dread nothing more than the adoption by our country of that system, which the Speaker has aptly styled the American policy. Rest assured, sir, they will leave no means untried to defeat it.

I will mention one other example to show with what care, and at what expense to the other interests of the country, this Government has fostered, and I admit wisely, its navigation. France, immediately after she had extricated herself from the long wars in which she had been involved, devoted herself to the cultivation of the arts of peace. Among other things, she immediately directed her attention towards her marine. She was anxious to obtain the exclusive privilege of carrying those of our productions which she used in her manufactures. For this purpose she established discriminating duties, in favor of cotton, tobacco, and potashes, imported in her own vessels, which are equivalent to a tonnage duty of from $18 to $21 per ton. The navigating interest of the United States took the alarm, and memorialized Congress upon the subject. To that interest Congress never lent a deaf ear. On the 15th of May, 1820, an act passed, which imposed a countervailing duty of $18 per ton, upon all French vessels entering the ports of the United States. The consequence of this measure was the suspension, in a great degree, of the direct trade between this country and France. That profitable branch of our commerce was at once sacrificed to promote the interests of our navigation. The House will readily perceive to what degree that portion of the citizens of the United States, who had commodities to be carried to market in France, must have suffered under the operation of this system. They, however, suffered without murmuring; because they knew that their misfortunes were intended to benefit that class of their fellow-citizens concerned in navigation.

Our countervailing duties on French tonnage produced the desired effect. On the 24th June, 1822, the very day on which the British Parliament opened their colonial ports to our vessels, the convention with France was concluded, which placed our carrying trade with that country upon a fair and reciprocal basis.

From this brief history, we have learned that the patience and patriotism of the people of this country have obtained for their foreign navigation, a signal triumph over both England and France; and have opened new and profitable avenues for its enterprise. And yet the Representatives of that interest upon this floor, complain loudly that it has been left unprotected. They make this complaint in the face of a system of legislation in its favor, which is unparalleled in the annals of the country in regard to any other object. The Government watched over its infancy with parental care, and afforded it protection against foreign rivals, whilst such protection was necessary. When it had attained sufficient vigor to fear no rival—when a fair competition with all nations was that which it most desired, the Government obtained for it this important advantage. Now, when it is in a prosperous situation, having got every thing which it asked, it is the first to cry out against affording a comparatively trifling protection to other branches of American industry. Is this gratitude? Is it even-handed justice? Is it doing unto others as you would they should do unto you?

I shall now proceed to prove, that the navigation of the country is perfectly able to bear the additional duty upon hemp and iron proposed in the bill, as reported by the Committee on Manufactures. In order to establish this position, it will not be necessary to add much to what I have already said. For the sake of the argument, I shall suppose, with the gentleman from Massachusetts, (Mr. Webster,) that the small additional duties upon these articles will be permanent additional burdens to that amount imposed upon our navigation. Even under this view of the subject, that interest is able to bear them; and considering what has been done for it by the country, ought to bear them for the common good, without a murmur.

The House, I feel certain, will understand, I do not admit that these additional duties will continue to be additional burdens upon the navigating interest. On the contrary, I firmly believe that the domestic competition which must necessarily spring up under this protection, will, in a few years, reduce the price both of hemp and of iron.

These additional duties cannot injure the tonnage employed in our coasting trade. This portion of our navigation, which, in 1822, was nearly equal to that engaged in foreign trade, and which must increase rapidly, has no competition to dread. It enjoys a monopoly. It will, therefore, sustain no loss in consequence of the additional duties, because, in proportion as you enhance the price of the vessel, you will increase the freight. The case might be different, if foreign competition were not altogether excluded. Would it not, then, be just, that this portion of our tonnage should be compelled to use the hemp and iron of our own production, even at an advanced price? We have established a prohibitory system in its favor—should not, then, the same rule be adopted in favor of our farmers and manufacturers, at least so far as respects the hemp and iron necessary in the construction and repair of the vessels which it employs? The bill before the House, however, instead of proceeding thus far, only imposes a small additional duty upon these articles, and yet it has been denounced, as though it would prostrate the navigation of the country.

I admit, said Mr. B., that our foreign tonnage must enter into competition with the world, and, therefore, it stands upon a different basis from that employed in our coasting trade. Under these circumstances, can it endure the proposed additional duties? I answer boldly in the affirmative. The gentleman from Massachusetts (Mr. WEBSTER) has stated, that all the materials of ship building, except the timber, are cheaper in England than in this country.

This may be, and no doubt is the case. But is not timber the chief, and by far the most expensive material in the construction of a ship? In England they are compelled to purchase this article in foreign countries, and to pay the heavy expense of its transportation; whilst we possess it in abundance at home. The consequence is, that a ship of the same tonnage may be built much cheaper in this country than in England. We have the testimony of the Mercantile Society of New York to this effect. The Committee of Manufactures, before they reported their bill to this House in January, 1821, addressed certain questions to that Society, two of which, with their answers, I will take leave to read to the House:

> "Question. What is the cost of a British ship of say 300 tons? What of an American of the same force and burden; and, generally, the difference in the price of shipping, by the ton, in each country, completely equipped?
>
> Answer. A British ship of 300 tons, equipped for sea, will cost $24,000, or $80 per ton. An American ship of the same quality, will cost $18,000 or $60 per ton.
>
> Question. The quantity of iron and cordage to the 100 tons of shipping?
>
> Answer. It will require 4 tons of iron, 1,500 lbs. of copper bolts, 4½ tons cordage, and 20 bolts of duck to the 100 tons."

In answer to another question, the same Society state, that "foreign vessels would not have a preference, in our ports, over American built vessels, unless at a reduction in freight of 25 per cent. or advantages equivalent, at the port of destination."

Thus, it appears that the additional duty of $7 50 per ton, proposed upon iron by the bill, as reported, on a ship of 300 tons burden, would amount only to $90, and that upon hemp would be equal to about $200. How, then, sir, can this additional duty of $290 upon a ship of 300 tons, seriously injure, much less destroy, our navigation? Is it possible we can, in the slightest degree, be alarmed by such a clamor, when we consider that a vessel of this description now costs, in England, our great rival in navigation, $6,000 more than it does in our country?

It has been urged, by the gentleman from Massachusetts, (Mr. WEBSTER,) against the proposed additional duties on hemp and iron, that if a sufficient quantity of these articles to supply the domestic demand, were produced in this country, that our navigating interest would lose their freight from Russia and Sweden. Sir, said Mr. B., has it come to this? Shall we be compelled to purchase articles in foreign countries for no other reason but to increase the employment for our navigation? Are all the other interests of the country to be sacrificed, that the welfare of this one may be promoted? I trust not. It appears to me that the bare statement of this argument is its best refutation. We are asked to buy hemp and iron from foreigners—we are called upon to transport our wealth to distant countries to pay for these articles—and for what reason? Not that we cannot produce them in abundance for ourselves; not that we need them; but simply because the favored class of our citizens concerned in navigation want to enjoy the advantages resulting from their carriage. You must, sir, purchase the merchandise, that they may receive the freight. I am glad the gentleman has come out boldly and avowed this position.

After what I have already said, it will be necessary I should add a few words only, concerning the Navy; because it is manifest that it cannot be injured by the additional duties upon hemp and iron, if I have taken a correct view of their operation upon our ship building and our navigation. I feel myself constrained, however, to make one or two observations on this subject.

I am a sincere friend to the Navy. One of the earliest political maxims impressed upon my mind was, that it would be our most safe and natural bulwark against foreign invasion. This opinion has been confirmed by the victories which it achieved during the late war—victories which have equally covered both itself and the nation with glory. I would, therefore, warn its true friends to have a care how they introduce it into every debate upon the subject of this tariff. Like all the other institutions of this country, it must depend, for its support, upon public opinion. Withdraw that from it, and it must and will sink. Are those gentlemen, then, its genuine friends who wield it as the chief weapon of opposition against the present bill?

If, whenever any measure calculated to promote the domestic industry of the country, and to benefit its landed interest, shall be introduced into Congress, the cry is resounded, that it cannot be adopted, because thereby you may injure the Navy; the people will at last begin to believe that there is something incompatible between their prosperity and its existence. If they shall at any time be impressed with this conviction, which I trust in God they never may, but to which the course of argument that has been pursued by the enemies of this bill directly leads, its swift destruction will be the inevitable consequence. The people will not continue to sustain an institution which they have been taught to believe stands as a perpetual barrier against the adoption of any system, calculated to encourage the agriculture and manufactures of the country, and for the promotion of whose glory their own welfare must be the sacrifice. The Navy has nothing to fear except from such friends and from itself. Recent events have alarmed its true friends with serious apprehensions that it has become intoxicated with prosperity, and has been relaxing in discipline. If, at this moment, when such impressions are abroad throughout the land, it shall be made the instrument by which this bill shall be defeated, and you should pass the one now on your table creating a magnificent establishment of vice admirals and rear admirals, the consequence may be justly dreaded. Should these measures not shake its standing in the opinion of the people, I confess for one I shall be disappointed. Thanking the House for their attention, I shall not trouble them longer upon the subject, having already said much more than I intended when I rose.

When Mr. Buchanan had taken his seat—

Mr. Stewart, of Pennsylvania, rose, and said he regretted that the motion now submitted, to reduce the proposed duty on iron, compelled him to depart from the determination he had formed not to trouble the House with any remarks of his upon this subject. But when he saw, in this motion, a blow aimed at the vital interests of those whom he had the honor to represent upon this floor, it would be a culpable dereliction of public duty in him to remain silent. He did not intend, however, he said, to enter upon the discussion of the general principles of the bill, further than was necessary to meet and obviate the arguments which had been employed by gentlemen who had supported the proposition now under consideration.

The objections urged by the honorable gentleman from Massachusetts (Mr. Fuller) who first addressed you, are in substance these: That the proposed increase of duty on iron would impair the revenue; injure the farmer; tax all classes of the community; destroy the business, and increase the burdens of commerce and navigation; prostrate the Navy; create monopolies; shut the ports of Russia against our produce—and all for the benefit of a few overgrown and wealthy iron masters. This, Mr. S. said, he believed was a fair and full statement of the grounds of opposition assumed, not only by the honorable gentleman, (Mr. Fuller,) but also by his colleagues, (Mr. Webster and Mr. Reed,) as well as the gentlemen from South Carolina and Virginia, (Messrs. McDuffie and Randolph.)

In the first place, Mr. S. said, it would be proper to inquire into the nature of this proposition, fraught with such direful consequences. It was, he said, nothing more nor less than a proposition to add thirty-seven cents a hundred to the existing duty on bar iron, equal to $7 40 cents per ton—not a protecting, but a mere revenue duty.

The quantity of iron consumed in the United States was estimated at 45,000 tons per annum. During the existence of the embargo, non-intercourse, and war, which created a necessity for the domestic manufacture of this article, capital to a large amount was invested, iron works sprung up in almost every part of the country, and the home supply was soon equal to the demand. However, peace was soon restored, which again let in the foreign article. Still our infant establishments maintained the unequal contest successfully, until Congress interposed, not to protect but to destroy them; and by the iniquitous tariff of 1816, which increased the duties upon sugar, &c., near one hundred per cent., reduced the duty upon iron from thirty-two per cent. to nine dollars per ton. This gave the death blow to the American manufactures. They sunk one after another—the importations increased regularly every year, until they rose from 3,000 to 33,787 tons per annum, leaving about 12,000 tons for domestic production; and the importation of pig iron had also increased, from 104 tons to 3,000 per annum. But, sir, we are told by the honorable gentleman from Massachusetts (Mr. Fuller) that the Russians, (from whom we get the most of our iron) are poor, and if we do not buy their iron they cannot buy our produce. The gentleman feels no regret for the fate of the American manufacturer who is thus destroyed—the American laborer who is thus left without employ and without bread—the American farmer who is thus left without a market for his produce—but his sympathies are all alive for the poor serfs and Cossacks of His Imperial Majesty the Emperor of all the Russias, lest they should starve for want of our produce. But, sir, do they take our produce for their iron? No, sir; they are not such fools as to follow our example, and take from us what they can produce at home. Sir, they take almost nothing but your cash. How stands the account? Last year we imported from Russia to the amount of $2,258,797; while the amount of domestic produce exported to Russia amounted to only $51,635; leaving a balance to be paid in cash, of $2,207,162. So much for the often repeated argument that we must buy from Russia, or Russia would not buy from us. We give at the rate of $44 for their produce, and get back one for ours. Such a policy as this would ruin any nation. No wonder that, with such a system, our currency was reduced in three years from one hundred and ten to forty-five millions; no wonder that our stocks, and every thing transferrable, was remitted to Europe to pay an unfavorable balance of trade; no wonder that agriculture, commerce, and manufactures, were all alike struggling for their existence. If there is, however, continued Mr. S., any article we ought to manufacture above all others, an article for which we should be independent of the world, he contended that it was *iron;* it was equally necessary in *peace* and in *war;* it was intimately connected with the defence of the country—as much so as powder and ball. Our country, he said, abounded with ore, with coal, provisions, every thing necessary for its manufacture, and the raw material was useless for any other purpose; the capital was already vested, and labor unemployed, which wanted but the vivifying touch of Governmental patronage and protection, to spring at once into successful operation, saving millions to the nation, affording a market to the farmer, and employment to labor.

But, we are told by the gentleman from New York, (Mr. Cambreleng,) that our iron is not so good as the imported—that it is not suitable for the manufacture of cannon. And, sir, is it come to this? Are we to depend on Europe for our cannon? Is this nation, boasting of its independence, to look to Europe, to the Holy Alliance, for the means of national defence? He disputed the fact of inferiority. The cannon, as well as those who manœuvred them, during the late war, were purely *American;* and where, sir, is the evidence of their inferiority? He fearlessly affirmed that neither the metal of our guns, nor the metal of our men, were ever surpassed. He would appeal for proof to the splendid achievements on the plains of Bridgewater and New Orleans—to the glorious deeds on Erie and the ocean.

Mr. S. then went on to another objection urged by his colleague, (Mr. BRECK,) who said we must wait till we acquire capital and skill. These, he contended, were in existence, and it was the object of this measure to put them in motion. During the war there was no want of either capital or skill. Though they were put down at present by an unwise and ruinous policy, yet he hoped, by the adoption of this measure, they would be resuscitated. If his colleague, he said, wished to create capital and skill, the only way to arrive at his object was to pass this bill. He would wait forever, if he withheld protection and encouragement, which was the breath that gave being, life, and motion to industry, capital, and skill, in every country where they were seen to prosper. Gentlemen might ransack all history, ancient and modern, and they could not find a single instance to the contrary.

The gentleman from South Carolina, (Mr. McDUFFIE,) continued Mr. S., has contended, with more ingenuity than force, that the country could not furnish the article in question, and that the only effect would be to increase the duty, which operated as a tax upon the whole community, without benefiting the manufacturer—he also contended that it would impair the revenue. Mr. S. said he could not comprehend how the tax on the imported article could be increased, and the revenue diminished; both positions, he contended, could not be correct—the duty and the revenue were the same. If the duty was increased on an article imported, the revenue must, of necessity, be increased in the same proportion. But it appeared that the effect of a measure on the revenue, did not depend on the nature of the measure itself, but upon the source from which it originated. A bill was reported during the last Congress, by the Committee of Ways and Means, in which, (according to the recommendation of the Secretary of the Treasury,) a duty of $20 per ton was proposed on iron, not for protection, but to increase the revenue. Now, when the same duty is recommended by the Committee of Manufactures, together with fifty or sixty other items of that revenue bill, at the same rate of duties, we are told it will ruin the revenue. So that the same duties, when proposed by the "Ways and Means," will improve the revenue, which, when proposed by the "Manufactures," will destroy the revenue, and lead to direct taxation. Such arguments might do to frighten and alarm the people; but, for his part, he did not believe there was any witchcraft in the word "manufactures," which could thus change the effect and operation of this measure. He had no doubt but that this bill would greatly promote the prosperity of the farmers and manufacturers, and, at the same time, add several millions per annum to the revenue. The true plan to increase the revenue, according to his judgment, Mr. S. said, was, by a wise policy, to increase the wealth and resources of the people who pay it. Cherish and sustain your own industry; rely upon your own means; develope and bring into activity your own vast resources; keep your money at home; buy less and sell more; in short, make a rich and prosperous people, and you will make a rich and flourishing Treasury—depress the people, and the revenue would sink with them. The revenue derived from imposts, he contended, would always be in proportion to the ability of the people to purchase and consume foreign products; those who now merely raised bread enough to live upon, would, if employed in manufactures, be able to consume tea, coffee, sugar, and other articles, which paid an enormous revenue to the public Treasury.

To illustrate this, he would, with the permission of the House, refer to a few facts which fell within his personal knowledge and observation. In the county in which he resided, during the late war, and at its close, there were in successful and prosperous operation some twenty or thirty iron works, of different kinds, employing perhaps fifty persons each, and saving to the nation from ore (which now remains buried and useless) near $500,000 a year. Attached to many of these works were found *stores* of foreign goods, supplying the workmen and others, to the amount of say $2,000 per annum—mostly groceries, tea, coffee, sugar, &c.—of which nearly one half of the whole price went into the public Treasury, in the shape of duties. Since the restoration of peace, and the repeal of the protecting duties in 1816, these works, he said, had been mostly abandoned; their owners were ruined and insolvent; the miserable hands were turned adrift without employment; the farmer, who then received from fifty to eighty cents per bushel for his grain, was now unable to get half that amount; the Government had lost the thousands of revenue derived from the sale and consumption of foreign goods; and commerce and navigation had lost the profits of their importation. The nation was impoverished by the annual loss of millions of money, which now went to support and enrich the farmers and manufacturers of England and Russia, instead of our own, who were suffering for want of a market. Land, and its produce, property of every kind, had depreciated more than 100 per cent., producing the most heart-rending scenes of distress, embarrassment, sacrifice, and bankruptcy, among those who lately enjoyed the most cheering and flattering prospects. Sir, upon what principle can such policy as this be justified or defended? He put it to honorable gentlemen to say, whether they could look on such a scene with indifference; whether they could reconcile it to their consciences to give a vote which would withhold protection from their suffering fellow-citizens, who were struggling with the boors of Russia and Sweden? He hoped the protection would be granted; if not for the sake of the manufacturer, he asked it for the sake of the farmer; for the sake of the revenue; for the merchant; for the nation; it was demanded by every thing *American*—by every proud and patriotic feeling. But, sir, even if it would diminish the revenue, (which he by no means admitted,) and created a necessity for an excise, still why was an impost preferable to an excise? They were both equally a tax upon the people. They were paid by the consumer. The only difference was, that the impost was paid upon the consumption of the products of foreign industry, and the excise was paid upon our own. The impost was a kind of financial trick, by which the people were compelled to pay fifteen or twenty millions of taxes without their knowledge; it was taken out of their pockets without their observing it, while they paid the excise with their eyes open; and they would, therefore, look to its appropriation and expenditure by those who represented them. This would check extravagance and promote economy, which was the life and soul of Republican Government. Extravagance and prodigality always led the way to aristocracy, when the few fed and fattened on the hard earnings of the many. Besides, he contended that the revenue derived from imposts was precarious and uncertain. In time of war it failed, when it was most wanted; the whole price of the article consumed was lost to the nation, and went to support the industry of foreign countries, to the destruction of our own. It was a most miserable policy, which sent millions out of the country to purchase what we could and ought to produce at home, for the sake of obtaining a few thousand dollars of revenue upon it, which was ultimately paid by the people. In the case of excise, the money was retained and kept in circulation to reward our own industry; and $10, which changed hands once a day, was better than $3,000, which changed hands once a year.

But, sir, we are told by the honorable gentleman from Virginia (Mr. Randolph) that this duty on iron will oppress the poor; that it will tax the farmer, who, having no market for his corn, cannot buy iron, and "will be compelled to plough his fields with a crooked stick." Sir, the object of this bill is to give to our farmers a market. Iron works consumed immense quantities of grain, and would gladly give iron in payment; whereas, in Europe, they refuse our grain, and require cash. He could safely assert, upon the best evidence, that there were single manufactories in the United States which consumed, annually, more of our grain than both England and France put together, from whom we purchased to the amount of thirty or forty millions a year. He would refer the honorable gentleman to the farmer himself: ask him whether the erection of manufacturing establishments in his neighborhood will injure his farm or his business; whether it will compel him to "plough with a crooked stick?" But, says the gentleman, it will oppress the poor, and tax all classes. Let gentlemen, before they pronounce the proposed addition of 37 cents a hundred on iron oppressive, look to some of the existing duties.

By the existing tariff, which is too sacred to be touched or altered, you impose duties varying from 50 to 180 per cent. on tea, coffee, sugar, salt, &c., articles consumed by the poor, while many of the most refined luxuries, jewelry, &c., pay but seven and a half per cent. According to the existing duties, the poor man who buys fifty dollars worth of sugar, tea, and salt, a year, pays twenty-five dollars of taxes into the Treasury; while the rich man, who buys fifty dollars worth of jewelry, pays but three dollars and seventy-five cents. A more iniquitous system of taxation never existed in any country; yet it must not be touched! A duty of a few cents on iron, for the purpose of encouraging the manufacturer at home, was pronounced by the gentleman from South Carolina (Mr. McDuffie) an intolerable tax; while a duty of one hundred and twenty per cent. on tea, which could never be raised here, was not worth the gentleman's notice at all; it excited no uneasiness whatever. But we are referred by gentlemen to the remonstrances from our Chambers of Commerce. Sir, and who compose these Chambers of Commerce? He was credibly informed that a majority of them were composed of British merchants, and persons connected with British merchants and manufacturers. No wonder, sir, that *they* complain; that *they* remonstrate against any alteration of a system of policy by which they have been enabled to grow rich at our expense—which has rendered this nation more dependent and more completely tributary to Great Britain than we were when colonies—a system which favored foreigners and destroyed our own merchants, which gave them almost the entire supply of our market. It was a fact, of universal notoriety, that more than two-thirds of all the goods imported from Great Britain were imported on account of British merchants and British manufacturers, who, if let alone, with the facility of our auctions, and the benefit of our system of credits, by which we loaned to British merchants, out of the pockets of our people, more than five millions a year, without interest, they would soon succeed in driving the American merchant completely from the ocean. No wonder, then, that they should remonstrate against any change in such an admirable system, by which they receive from us more than thirty-four millions a year. But the British Minister, it is said, has remonstrated with the Secretary of State against the increase of duty on iron! The British Minister has remonstrated! And are we so humbled? Must we ask the British Minister whether we may employ our own people to make our own iron? Sir, does Great Britain ask us whether she may exclude our produce from her ports? Such a suggestion there would meet with merited contempt. These remonstrances against the measure were, with him, Mr. S. said, so many arguments in its favor. It would benefit us in the same proportion that it would injure them; our loss was their profit, and our profit would be their loss.

The honorable gentleman from Massachusetts (Mr. **WEBSTER**) has made a most pathetic appeal to the House in behalf of "commerce and navigation," which he represented as struggling for its existence, scarcely able to keep its head above water. If you impose this duty on iron, the honorable gentleman says, you throw the last stone to sink the ship. What! $7 40 a ton on iron, ruin commerce and navigation! An interest which had experienced more favor than any other in the nation—which was owned and directed by men of great wealth and capital, ruined by a trifling duty on iron! It was impossible. To build a ship of one hundred tons burden, only four tons of iron were required, upon which the whole increase of duty would be only $29 60. So that $29 60 on each vessel of one hundred tons burden, was to "sink the ship," ruin commerce, and destroy the navy. He had a better opinion of our commerce and our navy than to suppose they were to be seriously affected by a matter of this kind. But, sir, with what propriety can commerce complain, when a slight protection is asked by the manufacturing interests of the country—foreign commerce, which has ever been the favorite of Government; which has been protected at the expense of every other interest in it—not only by fleets and navies, but by discriminating duties, equal to six or seven hundred per cent. An *American* coasting vessel, of one hundred tons burden, for instance, making twelve entries a year, only pays six dollars dollars duty, while a *foreign* vessel of the same size, and for the same entries, pays six hundred dollars. An American vessel of three hundred tons, engaged in foreign trade, making five entries per annum, would pay only ninety dollars duty, while a foreign vessel, under like circumstances, must pay seven hundred and fifty dollars. But, sir, permit me to remind the honorable gentleman from Massachusetts (Mr. **WEBSTER**) of some of the other burdens and taxes to which the farmers and manufacturers of this country are subjected, for the benefit and protection of foreign commerce. Sir, for what was the late war declared? Was it not, emphatically, for the protection and defence of "free trade and sailors' rights?" A war which had involved this nation in a debt of more than a hundred millions of dollars; had filled this land with widows and with orphans; a war in which the farmers and manufacturers had suffered every privation; in which they had freely and bravely fought and bled and died, for the defence of "free trade" against foreign aggression; and now, when they ask a trifling duty to protect them against foreign competition, equally destructive to them, they are gravely told that it cannot be afforded, lest it may injure "commerce and navigation." But, sir, this is not all. Are we not called upon, almost daily, in this House, to appropriate millions after millions of the public money to erect lighthouses, buoys, and beacons, along the coast, for the pretection and benefit of "foreign commerce;" to support ministers, consuls, and agents, throughout the civilized world; for the regulation and protection of our "foreign commerce;" for the erection of forts and fortifications, for the defence of our harbors, dock-yards, and commercial cities; for the support and maintenance of fleets and public ships to guard and protect our foreign commerce throughout the world; and he understood, it in some instances cost the Government more money to protect our merchants, especially in the Baltic, than the whole commerce was worth. Look, sir, at the enormous expense of sending abroad fleets to distant seas, to suppress the pirates that annoy our foreign commerce. And who pays these immense expenditures? Not the merchants, but the farmers and manufacturers of this nation. And when *they*, the farmers and manufacturers, ask, in turn, that their interests may be protected, not by duties of six or seven hundred per cent.; not by war, nor by forts, nor lights, nor fleets, nor navies—not at the expense of millions of the public money, but by a mere act of legislation; what, sir, is the reply of the friends and champions of commerce and navigation, this highly favored interest? They gravely tell us, that *we* don't need protection; they cry "Let us alone; you will injure the revenue, tax commerce, and destroy the carrying trade." Might not these replies be retorted, when the merchants claim protection? Might they not be told, that the protection they sought would diminish the revenue, tax the farmer and manufacturer? Might they not, moreover, be asked, what great and signal service the foreign merchants had rendered this country, to entitle them to such special favor? Look at the ruinous balance of trade against us. But he would not recriminate. He was willing to extend every reasonable aid and protection to commerce; but he, at the same time, thought that this was not the only interest in the country; he thought there were other great and important interests in the nation entitled to favor.

But commerce was represented as being on the decline, as well as agriculture and manufactures. This was, he considered, a matter of course. Commerce was the offspring of agriculture and manufactures. Where there was neither agriculture nor manufactures, there could be no commerce: they must rise and fall together. The only legitimate business of commerce was to distribute and exchange the surplus productions of labor. If by a wise policy you restore your agriculture and manufactures to their former prosperity, commerce will revive; and soon again will it be seen to spread its white bosom to the prosperous breeze. But, even if this measure should have the effect of lessening the foreign carrying trade, still we would be more than compensated by the increase of internal commerce and the coasting trade. But, would it be seriously contended that we should import what we do not want, for the sake of employing foreign commerce? Was it consistent with sound policy to import our iron from Russia, when we could produce it at home, merely to employ commerce? As well might it be contended that we ought to export our flour to England, and have it manufactured into bread, and reimported, to keep navigation and commerce employed! And this would not be more absurd and ruinous than much of the system now in operation.

Mr. S. begged leave here to notice another argument which had been urged, not only against the duty now under consideration, but against the bill generally. It was this: that the proposed measure would operate injuriously on the farmers—that it was "taxing the many for the benefit of the few." The effect, Mr. S. contended, would be directly the reverse—it would benefit the farmers much more than the manufacturers. To simplify his views on this point, he said, he would confine them to a single county, in which he would suppose there to be at present a single manufacturing establishment, employing 100 hands, consuming $10,000 worth of grain and other agricultural productions, and making $20,000 worth of the manufactured article; and then suppose, that, by the operation of this measure, there should spring up in this country ten new and rival establishments, of equal extent,—you thus withdraw 1,000 hands from agricultural employment, and make them consumers instead of producers. You give the farmers an increased market, to the amount of $100,000; and you save $200,000 a year in one county, which is kept in profitable circulation at home, giving life and activity to every branch of industry, instead of being sent to support the industry of England, who, by her existing laws, will not suffer her people to consume a pound of our flour, even if it were offered at fifty cents a barrel? This, Mr. S. contended, was the plain and obvious tendency of the great measure under discussion. And which, he begged leave to ask, was the most benefited, the farmer or the manufacturer? Undoubtedly the farmer. The increased market, and increased demand for his produce, necessarily increased the price; while the increased competition among the manufacturers, and the increased quantity of the manufactured article thrown into the market, as inevitably diminished the price;—so that the farmer would get more for his grain, and give less for his manufactured goods. Yet, with these plain results before us, it was still gravely urged upon the House by almost every honorable gentleman who had opposed this bill. It was a principal ground of opposition, that it would "ruin the farmers—tax the many for the benefit of the few—create monopolies—enable the rich manufacturer to extort from the people," &c.—while, in fact, its real tendency and effect was, he contended, precisely the reverse.

But, Mr. S. said, there was another and still stronger view of this subject, in relation to its effects upon the interest of the farmer and agriculturist. It was a fact, however strange it might appear, susceptible of the clearest demonstration, that this nation, almost entirely agricultural, instead of exporting, actually imported agricultural labor from the poor and wretched countries of Europe to the amount of twenty or thirty millions a year. He did not mean to say that it was imported in its rude and original shape, but it entered into the composition of manufactures, and, thus altered and modified, was imported and consumed among us. Sir, of what is your imported cloth composed? your imported iron, spirits, hemp, linen—in short, almost every thing? Count the cost of the raw material, the wool, hemp, flax; then add the price of the provisions, the bread, meat, fuel, &c., consumed by those employed in the fabrication of the manufactured articles, and you will find that one-half, nay, two thirds of the price of our imported goods consisted of agricultural labor, and went to support and sustain the farmers of foreign countries, of England, France, and Russia; while our own, shut out from Europe, and shamefully abandoned at home, were left without a market, and without a motive to industry With an almost unlimited extent of fertile territory, abounding with the finest soil and most delightful pastures, we were importing even *grass* from foreign countries in the shape of tallow and wool. Last year we had imported vast quantities of both; four million pounds of tallow, equal to the product of 80,000 cattle. And, was it wise in this nation, where eighty-three per cent. of the whole population were employed in agriculture, to import twenty or thirty millions of dollars' worth of agricultural produce every year, in the shape of manufactures from abroad, and most of it from England, whose territory was not much larger than some of our States, and where the proportion of agriculturists was not equal to one-third of her population? The immense sums, thus sent to Europe, he argued, were *worse* than thrown away, for the amount was not only *lost* to the country, but it introduced the labor and industry of other countries to paralyze and destroy our own. He compared it to the money expended by an individual in the purchase of spirituous liquor, or other deleterious drugs, the use of which impaired the health and ruined the constitution; in both cases, the loss of money was the smallest part of the evil. These being the effects of the present system on the farmers, any change would be to them desirable—it might be for the better, it could not be for the worse.

The honorable gentleman from Massachusetts (Mr. Webster) has been pleased to denounce the restrictive policy as unwise and injudicious. He, Mr. S., would respectfully ask the honorable gentleman to point to the country which, neglecting the protection and encouragement of its own industry, and depending on foreign labor and skill for the supply of its wants, was not ultimately ruined? *History furnishes*, he said, *no such instance*. Look at miserable Poland, Italy, and Portugal, adopting the free trade policy. Look at wretched Ireland, dependant on England. Look at the once flourishing, but now degraded Holland, sinking, like ourselves, under the deleterious influence of the free trade system. He also referred to the once powerful and proud, but now poor and prostrate Spain. She, when self-dependent, relying on her own internal energies and resources, was feared and respected by the most powerful nations on the Continent; but since, like us, she has opened her ports to foreign nations, and become dependent on foreign labor, foreign capital, foreign industry, and skill, for the supply of her wants, all the wealth of her South American provinces, the rich mines of Peru and Chili, could not save her; she soon sunk under the withering influence of this wretched and ruinous system, to her present abject and degraded condition. And, were it not for the cheapness of our Government, the freedom of our institutions, the wars in Europe, which gave us a market, and the great and unparalleled advantages, natural and political, that we enjoy, this country, too, would have long since sunk under our present unnatural, anti-American, and destructive system of policy. But, sir, look, for a moment, on the other hand, to the condition of those nations with inferior advantages, protecting by high duties and prohibitory laws their own people, and their own industry, against the injurious effects of foreign competition. Look at France, rapidly rising, like the Phœnix, from the ashes of a wasting and desolating war of thirty years; her finances prosperous; her revenue ample; every branch of industry protected, prosperous, and successful; excluding even England, who had so recently placed the Bourbons on the throne. Look at all-powerful Russia, guarding herself against foreign competition by a perfect system of prohibitions, selling us iron, &c., to the amount of between two and three millions a year, and taking in return less than a fortieth part in the produce of our soil, and the balance in *cash.* It is true, sir, that, in 1820, Russia determined to try our system of free trade, of "buying where she could buy cheapest." But mark the consequence. She soon found herself on the brink of ruin, and quickly retraced her steps. In less than two years, the Russian Minister, Count Nesselrode, declares, in his official report, that this policy compelled Russia to pay a "*ruinous tribute*" to England, France, Prussia, and Austria, "*who remained faithful to their prohibitory systems.*" "Agriculture," he says, "without a market, industry without protection, languish and decline; specie is exported, and the most solid commercial houses are shaken," &c. Accordingly, in 1822, Russia re-enacted her tariff; not like ours, proposing mere revenue duties, but one which contained no less than 340 prohibitions, and, in January last, a few months since, this Russian tariff underwent a "judicious revision," by which the number of prohibitions was greatly increased. And finally, look, sir, at Great Britain, the most illustrious instance that the world has ever furnished of the complete triumph of the protecting policy. But we are told that England prospers in spite of this system. As well might it be said, that men live in spite of the bread they eat; that the grass grows in spite of the rain and sunshine; or that the globe we inhabit performs its splendid course in spite of the agency of that Being "who rides on the whirlwind and directs the storm." Sir, England extends ample protection to every branch of her industry—agriculture, manufactures, and commerce. England is dependent on England alone; she buys nothing that she can produce, and produces every thing that can be bought. By the use of labor-saving machinery, England, with a population of fourteen millions, wields a manufacturing force equal to 220 millions of hands; one boy, in an English factory, will produce as much as will purchase the produce of fifty American farmers; one pound of cotton is so manufactured as to purchase 2,000 pounds; thus, ten cents is made equal to $200, by the addition of labor, principally of machinery. Her cotton manufactures, alone, are estimated at 224 millions, while the raw material costs less than 25; her agricultural produce, upon a territory comparatively limited, and of inferior soil, is estimated at $487,000,000 a year, while our whole agricultural exports, exclusive of cotton and tobacco, is less than $12,000,000—not equal to the support of 250,000 manufacturers, at $50 a head. Sir, what is it that enables Great Britain to lay the world under contribution? What enabled her to subsidize all Europe; to support an army of 400,000; to sustain, for nearly thirty years, an exhausting, bloody, and desolating war, with the colossal power of France, and finally enabled her to triumph on the ever-memorable field of Waterloo? Was it not the wealth derived from her manufactures? What was it, he asked, that enabled her, during that period, to raise 7,038 millions of dollars, 4,653 millions by taxes, and 2,070 millions by loans, whilst her people, notwithstanding these tremendous burdens, enjoyed an unusual degree of prosperity? Was it not attributable to her flourishing manufactures? And how was it that now, in time of peace, she could raise, and her people could pay with ease, and without a murmur, 252 millions of revenue per annum; 119 millions of which arose from the excise on twenty-five articles of manufacture, while it would convulse this nation to its centre to raise, in the same way, one-twentieth part of the amount? Sir, were we not ruined in our resources, and prostrate in our power, by a petty war of two and a half years' duration? The revenue paid by the people of Great Britain, in one year, was equal to half the whole amount of the expenditures of this Government for thirty years. Since the late war she had reduced her taxes twenty-eight millions a year; and, after defraying her enormous expenditures, and paying 135 millions, the annual interest of her national debt, she had left an efficient annual sinking fund of twenty-two millions and a half. And whence did she derive these immense resources? Trace them to their origin, and you will find it to result from the protection and encouragement afforded to her national industry, to her manufactures; which, at the same time, afforded a market for her farmers, and employment for her commerce. In Great Britain, without manufactures, neither agriculture nor commerce could be sustained; they were to them the breath of life—the daily bread they fed upon. The opposition to this measure, Mr. S. said, sprung from two sources: The commercial interest on the seaboard, and the cotton and tobacco planting interest in the South; the first from an unfounded, though sincere apprehension, that it would diminish the business and increase the burdens of commerce and navigation; the second from an apprehension, no doubt equally sincere, but equally unfounded, that, if we cease to purchase from Europe what we can and ought to make for ourselves, Europe will cease to purchase their cotton and tobacco, which now constituted three-fourths of the whole agricultural exports of this Union. These two powerful interests had hitherto governed this nation, and dictated its policy. The interior, and the West, until lately, constituting but a small part of the great concern, of course had to submit; but, having now arrived at the age of discretion, they claimed a right to participate in the administration of the Government. They were opposed to the present ruinous system of policy, which was predicated on a state of war in Europe. While all Europe was in arms—when Kings, abandoning all other pursuits, were contending in fields of blood for kingdoms, crowns, and diadems, the United States, enjoying an unbounded market, grew rich at their expense. But Europe had changed in her condition; instead of universal war, there is now universal peace; millions of men had exchanged the sword for the plough; had quit war and went to work; instead of consumers they had become producers; instead of customers had become rivals; and our produce was not only excluded from Europe, but the rival commodities had, in many instances, followed us to our own shores. During the last year even wheat, potatoes, oats, &c., had been imported in considerable quantities; and it had become necessary to protect ourselves, by duties, against these importations; and even this (the proposed duty of twenty-five cents on wheat) had been opposed by the honorable gentleman from Massachusetts, (Mr. Webster,) on the ground that the importation of foreign wheat gave additional employment to our mills, and increased the business on our canals. Our own iron works were also to be abandoned, to import our iron from Russia, for the sake of employing our "commerce and navigation!" This, he said, appeared to him to be about as wise as it would be in a Pennsylvania farmer, who, having a mill on his own farm, yet carried his grain a hundred miles into Virginia to have it ground, for the sake of employing his wagon and horses! Would it not be better for the farmer to sell his wagon, or employ it in some other way? And so he would say to the merchant.

But, sir, look at the effects of this policy—this system of free trade—"buying where we can buy cheapest." Look to what it has brought this once happy and prosperous land. With a Government the cheapest, the freest, and the best upon earth; with a country possessing every advantage of climate, situation, and soil; yet filled with monuments of misery and wretchedness, of general embarrassment, and bankruptcy, and ruin. Peace brought no relief to the farmer—none to the manufacturer; to them it brought no blessings; to the country at large it presented a cheerless prospect—of agriculture depressed, manufactures ruined, and the energies of the nation relaxed, broken, and prostrate. And even commerce, we are told by the honorable gentleman from Massachusetts, (Mr. Webster, though he contends that the country was never in a more prosperous condition,) is "scarcely able to keep its head above water." Sir, all the great interests of the country are at the lowest point of depression; they are struggling for life—sinking with agriculture, the basis and foundation of all, into a common grave. And why was this land of freedom, this home of liberty, thus clouded and o'ercast with this dark gloom and despondence, without a ray of hope to lighten or to cheer the long vista of futurity? There was no war, no famine, no plague, no taxes in the land. Could the cause then be doubtful? Did it not evidently result from our present ruinous system of policy? Was it not because the national industry was unprotected?—because we looked to Europe, instead of our own people, our own resources, for the supply of our wants?—because we buy from abroad almost every thing we eat, and drink, and wear? Look at the national currency, reduced, says the Secretary of the Treasury, in three years, from 110 to 45 millions of dollars—all gone, together with the evidences of the public debt, government, canal, and bank stocks, to pay part of the debt due to foreign merchants and manufacturers, to whom it was estimated that we were still in debt 92 millions of dollars; more than double the whole currency of the country. Our imports increased, and our exports diminished. In 1815 and 1816, our imports amounted to the enormous sum of 244 millions, and our exports to only 134 millions. Property of almost every kind, and in almost every part of the country, with which he was acquainted, depreciated more than 100 per cent.; the migration of foreign skill and capital into the country checked; eight millions of dollars of revenue lost by the surrender of public lands; sales stopped, and the price reduced to $1 25; the manufacturing establishments, erected throughout the country during the war, abandoned and dilapidating; insolvencies, sales, and sacrifices, had become common and familiar matters of every day's occurrence; while all the efforts of State legislation to administer relief had proved unavailing; the disease was beyond their reach; it was national, and required a national remedy. That remedy, he said, was contained in the bill under consideration, and he hoped to see it speedily and successfully applied. It was true it had been called by the gentleman from Virginia (Mr. Garnett) a "bitter pill;" he believed, however, that the best medicines were not always the most pleasant; and it was certainly better to take even a "bitter pill," than perish. But it certainly could not, with propriety, be pronounced bitter, since the honorable Speaker had just thrown in such a vast quantity of molasses.

The strong ground, however, on which this measure was met and opposed was, that it would operate injuriously on the interests of the sugar, cotton, and tobacco planters of the South; that it would increase the price of the coarse fabrics with which they clothe their slaves, &c. This argument takes for granted the fact in controversy; a fact which he could not admit, viz., that this measure would enhance the price of the article manufactured. This he denied; and insisted that New England could, and would, manufacture the raw materials of our own country cheaper than it could be done in Europe, after being transported 3,000 miles, and encountering all the expenses of shipping and reshipping, excises, imposts, &c., to which it was subjected. When it was proposed to increase the duty upon coarse cottons, this same objection, that it was "taxing the many for the benefit of the few," was echoed in newspapers, speeches, and memorials, from Maine to Georgia. The duty was nevertheless imposed; and what has been the result? Coarse cottons, of superior quality, are now manufactured in this country, for one-half the price formerly paid to Great Britain; and now, instead of importing, we exported, last year, to the amount of $545,000 worth to foreign countries, after supplying the home consumption, amounting to many millions; which was saved and distributed among our own farmers and cotton growers, instead of going to Europe to reward foreign industry instead of our own. The same result had attended every thing that had received adequate protection—leather, nails, wood, umbrellas, shoes, boots, hats, &c.; and, from estimates made, it appeared that we saved by the manufacture of shoes, boots, and hats, alone, upwards of $34,000,000 per annum. He therefore felt warranted, by uniform experience, in the opinion, that the articles proposed to be protected by this bill—cotton, iron, coarse woollens, hemp, &c., would ultimately, and at no distant period, be furnished cheaper of American than foreign manufacture. If there was any certainty in the laws of cause and effect, this result was inevitable. But the establishment of manufactories of cotton, &c., would not only afford a market for grain and other provisions, but also for the cotton of the South; for the time might come, and was perhaps not distant, when the planter of the South might share the fate of the farmers of the Western and Middle States. They, too, might be deprived of their European market, which might be interrupted and cut off, not only by war, and the many other vicissitudes that interrupt the intercourse between nations, but it was a fact of serious import to the South, that the culture of cotton was rapidly extending itself, not only in the British islands, but also in Egypt and South America. Since 1818, the price had fallen, as appeared by the English prices current, from 28 to 7 cents a pound; our flour had also, owing to the glut of the market, fallen from $8 and $10 a barrel, to $4 50; and tobacco from $185 to $75 per hogshead.

These were some of the effects of a general peace in Europe, and they furnished powerful arguments in favor of the abandonment of a policy subject to such ruinous vicissitudes; and pointing out the necessity of adopting a permanent system of American policy, which should extend protection and encouragement to American industry, and look to American means for the supply of American wants; and if there was any nation under the sun capable of supplying all its own wants, he contended it was this. It was as inconsistent, he said, with our interest, as it was incompatible with our honor and independence, to look to the crowned heads of Europe—the Holy Alliance, for either the means of national defence or national subsistence; our fathers had achieved their independence in vain, if it was thus to be compromised and "sold for a mess of pottage." What did we not suffer, during the late war, for want of necessary supplies? It cost you at least one hundred per cent. more to clothe a soldier than it does at present. And the humiliating spectacle was presented to the world, of an American Minister applying to Congress to suspend the non-intercourse, to enable us to get from our enemies blankets, to fulfil our treaty stipulations with the Indians! This state of things soon forced into existence every variety of manufactures. Millions of capital was promptly invested, which relieved the nation. But, as soon as peace was restored, Congress, by an act of the most flagrant injustice, instead of extending protection to those who relieved them in the hour of need, repealed the duties, and enabled the enemy to crush them at once, by throwing into our market a supply of goods equal to two years' consumption; the customs that year (1816) amounted to thirty-six millions, whereas, in 1820, (four years afterwards,) they amounted to but twelve millions. In 1815 and 1816, our imports, he repeated, amounted to 244 millions, and our exports to only 134. Great Britain thus, by a single blow, did more to prostrate and destroy American wealth, independence, and power, than they could have effected by a ten years' war. We were thus at once reduced to our former dependent, colonial, and tributary condition. But he hoped the period had now arrived when these shackles, forged and riveted by foreign hands, were to be broken asunder; when this nation, taking a high, a dignified, and independent stand, summoning forth her own boundless resources, should tell the kings of Europe that she would no longer "pay them tribute." When the South and the West would look to *New England*, instead of *Old England*, for a market and supply for an exchange of equivalents, thus strengthening the bonds that unite us, by the strong ties of interest and intercourse.

And, in conclusion, he would beg leave to appeal to the liberality, the magnanimity, to the patriotism of the enlightened Representatives of the South, who, under an ample protection, were basking in the sunshine of prosperity; and he would ask them, in a spirit of frankness and conciliation, whether they could reconcile it to their consciences to withhold the trifling protection offered in this bill to the suffering farmers and manufacturers of the interior and the West? He would appeal to the distinguished Representatives of the sugar planters of Louisiana, who, with a protecting duty of three cents a pound on sugar, were rapidly acquiring unbounded wealth and princely fortunes. He would also appeal, with the same friendly feelings, to the liberality, nay, he would say to the justice of the gentlemen from the North, who so ably represented, upon this floor, the interests of "commerce and navigation," the favored few, and he would ask them whether, while they were protected and defended, not merely by enormous discriminating duties, but also at the expense of millions of the public treasure—at the expense of the best and richest blood of this country—they would turn a deaf ear to the calls of the farmers and manufacturers, the great mass of the community, for protection, not by the sword or the purse of the nation, but by a simple act of legislation—by the passage of this bill. Sir, said Mr. S., I hope and trust the protection they ask will be granted, and granted by the votes of some of the gentlemen, at least, to whose liberality, to whose justice, to whose patriotism, he had appealed. He hoped the present destructive system of policy would now be abandoned; and, upon its ruins, there would arise a system of American policy, protecting and cherishing American industry; a policy which, in his conscience, he believed would alone save this nation from ultimate bankruptcy, and raise it to that proud pre-eminence among the nations of the earth, to which the distinguished advantages derived not only from the valor of our forefathers, but from nature, and from nature's God, give us a just right to aspire.

When Mr. Stewart had concluded—

The question was taken by yeas and nays at a quarter of an hour before four o'clock, when the House agreed to the reduction—ayes 120, nays 85, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Breck, Brent, Buck, Buckner, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kent, Kidder, Lathrop, Lawrence, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Matson, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Prince, Randolph, Rankin, Reed, Reynolds, Saunders, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stevenson, Stoddard, Taliaferro, Tattnall, Ten Eyck, Thompson of Georgia, Thompson of Kentucky, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Tyson, Vance of North Carolina, Van Rensselaer, Warfield, Webster, Whipple, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wilson of Ohio.

Nays—Messrs. Adams, Alexander of Tennessee, Allison, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Campbell of Ohio, Cassedy, Collins, Condict, Cook, Crafts, Craig, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Letcher, Livermore, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Richards, Rich, Rogers, Ross, Sandford, Scott, Sharpe, Sloane, Standefer, Sterling, Stewart, Strong, Swan, Taylor, Test, Tod, Tracy, Trimble, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wood, Woods, and Wright.

A motion to adjourn was then made, and carried—Ayes 102, noes 90.

So the House adjourned.

Saturday, April 10.

On motion of Mr. Owen, the Committee on Commerce were instructed to inquire into the expediency of making provision by law for the appointment of a naval officer and surveyor of the port of Mobile; and to make such other provisions relative to said port as may aid commerce and secure the revenue.

Mr. Whittlesey laid the following resolutions on the table for consideration on Monday, viz:

1. *Resolved,* That the Secretary of the Navy be directed to report to this House the number of non-commissioned officers and privates of the marine corps in the service of the United States, and where stationed or performing duty.

2. *Resolved,* That the Secretary of the Navy be directed to report to this House the amount paid the lieutenant colonel of the marine corps, the past year, for his monthly pay and emoluments of office.

Mr. Wickliffe moved the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of allowing to the heirs of Aaron Huff, late a private in the United States Army, the privilege of commuting the bounty lands for money, according to the provisions of the act of Congress heretofore in force.

The resolution was read, and, on the question being put, was disagreed to by the House.

The House proceeded to consider the resolution submitted by Mr. Warfield on the 6th instant; and the same being modified, was agreed to, as follows:

Resolved, That the President of the United States be requested to cause to be submitted to this House a statement of the several purchases of real estate in behalf of the United States within the territorial limits of any State, since the 4th day of July, 1776, for public purposes, in pursuance of any act of Congress, or by any department or officer of the General Government, denoting in each case the particular authority under which each purchase was made; its date, and the end or use for which it was effected; the nature of the estate thereby acquired; and the person or persons by whom and to whom such estate was conveyed; together with the fact whether such purchase was or was not accompanied with the express consent of the State of whose territory such real estate constituted a part; and in the former case whether any, and if any what, special jurisdiction accompanied the cession or conveyance.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to abolish imprisonment for debt;" in which they ask the concurrence of this House.

Mr. Randolph moved that the resolution submitted by him some days since, to reduce the per diem compensation of members of Congress to six dollars, should now be taken into consideration.

The question being put, the House refused to consider the resolution.

Mr. **Randolph** then remarked that he thought this a subject of so much importance that he should feel it his duty to press it upon the notice of the House so long as he had the honor of a seat there.

THE TARIFF BILL.

The unfinished business of yesterday, being the further consideration of the amendments agreed to in Committee of the Whole, to the bill "to amend the several acts for imposing duties on imports," was again taken up.

Two or three material amendments to strike out or reduce certain items, were agreed to by the House.

The question being put on concurring in the insertion of the following clause: "On all other fire arms, and on side arms, 30 per cent. *ad valorem.*" Mr. **Randolph** said, he could not consent that the people should be taxed, even if it were but a penny or two a pound upon tea, without knowing who taxed them; he, therefore, called for the yeas and nays upon the question, The yeas and nays were accordingly taken, as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartley, Breck, Brown, Buchanan, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Carter, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Day, Durfee, Dwight, Eaton, Eddy, Ellis, Findlay, Foot of Connecticut, Foote of New York, Forward, Frost, Garrison, Gazlay, Govan, Harris, Harvey, Hayden, Hemphill, Henry, Herrick, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, Kidder, Kremer, Lathrop, Lawrence, Letcher, Little, Livermore, Locke, Longfellow, McArthur, McDuffie, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, O'Brien, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reed, Reynolds, Richards, Rich, Rogers, Rose, Ross, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, and Wright—123.

Nays—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Brent, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Dwinell, Edwards of North Carolina, Floyd, Fuller, Gatlin, Gist, Hall, Hamilton, Hayward, Hooks, Kent, Lee, Leftwich, Litchfield, Long, McCoy, Mangum, Moore of Alabama, Neale, Owen, Poinsett, Randolph, Rankin, Saunders, Sandford, Arthur Smith, William Smith, Spaight, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker ofVirginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Williams of New York, Williams of Virginia, Williams of N. Carolina, and Wilson of South Carolina—59.

So the amendment was concurred in.

Several other amendments, to reduce the proposed duty on scythes, to strike out the duty on fowling pieces, drawing knives, &c., were agreed to.

On the amendment which proposes to strike out the duty of 25 cents each on frying pans, and insert four cents per pound, as the duty, Mr. **Randolph** said, this also was a tax on the people, and he must call for the yeas and nays upon it. A short discussion took place upon the propriety of this amendment, between Messrs. **McDuffie**, **Tod**, **Cambreleng**, and **Sharpe**. The question was then taken, and decided as follows:

Yeas—Messrs. Abbot, Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Bartley, Blair, Bradley, Breck, Brent, Brown, Buchanan, Buck, Buckner, Burleigh, Burton, Cady, Cambreleng, Campbell of S. Carolina, Campbell of Ohio, Cary, Cassedy, Clark, Cobb, Cocke, Collins, Condict, Cook, Conner, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Findlay, Floyd, Foot of Connecticut, Foote of New York, Forward, Frost, Fuller, Garrison, Gatlin, Gazlay, Govan, Harris, Harvey, Hayden, Hayward, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Hooks, Houston, Jenkins, Johnson of Virginia, F. Johnson, Kent, Kidder, Kremer, Lathrop, Lawrence, Lee, Leftwich, Letcher, Lincoln, Litchfield, Little, Livermore, Locke, Long, Longfellow, McArthur, McDuffie, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Rankin, Reed, Reynolds, Richards, Rich, Rogers, Rose, Sandford, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, J. Stephenson, Stewart, Stoddard, Storrs, Strong, Swan, Tatnall, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—168.

Nays—Messrs. Bassett, Carter, Edwards of North Carolina, Forsyth, Gist, Hall, Hamilton, Herrick, Isacks, McCoy, Mangum, Mercer, Randolph, Ross, Saunders, Arthur Smith, William Smith, Spaight, Spence, A. Stevenson, Taliaferro, Thompson of Georgia, Tucker of Virginia, Williams of South Carolina, and Wilson of South Carolina—25.

So this amendment, also, was concurred in.

The several amendments, proposing to strike out the duty on griddles and gridirons, on indigo, and on Prussian blue, and to increase the duty on Epsom salts from three to four cents per lb., and to insert a duty on rape seed oil, were severally agreed to.

The question being put on concurring in the insertion of the clause, "On molasses ten cents per gallon," was decided as follows:

Yeas—Messrs. Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Allison, J. S. Barbour, Blair, Brent, Brown, Buckner, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Cocke, Collins, Edwards of North Carolina, Gist, Govan, Hayden, Houston, Isacks, F. Johnson, Kent, Kremer, Lathrop, Lee, Leftwich, Letcher, Livingston, Long, McArthur, McCoy, McDuffie, McLean of Ohio, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Prince, Rankin, Rogers, Rose, Ross, Sandford, Scott, Arthur Smith, Alexander Smyth, William Smith, Standefer, Storrs, Tattnall, Thompson of Georgia, Thompson of Kentucky, Tracy, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Wayne, White, Wickliffe, Williams of Virginia, and Henry Wilson—65.

Nays—Messrs. Abbot, Allen of Massachusetts, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bartley, Bradley, Breck, Buchanan, Buck, Burleigh, Cady, Cambreleng, Campbell of Ohio, Cassedy, Condict, Conner, Cook, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Findlay, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Forward, Frost, Fuller, Garrison, Garnett, Gatlin, Gazlay, Hall, Hamilton, Harris, Harvey, Hayward, Hemphill, Henry, Herrick, Herkimer, Hobart, Hogeboom, Holcombe, Hooks, Jenkins, Johnson of Virginia, Kidder, Lawrence, Lincoln, Litchfield, Little, Livermore, Locke, Longfellow, McKean, McKim, McLane of Delaware, Mangum, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Mercer, Miller, Mitchell of Maryland, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Randolph, Reed, Reynolds, Richards, Rich, Saunders, Sharpe, Sibley, Sloane, Spaight, Spence, Sterling, A. Stevenson, J. Stephenson, Stewart, Stoddard, Strong, Swan, Taliaferro, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Vinton, Warfield, Whipple, Whittlesey, Williams of New York, Williams of North Carolina, James Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, Woods, and Wright—132.

So this amendment was rejected.

The next amendment, proposing to strike out the second section of the bill, which provides that "in all cases whatsoever, all articles composed or 'mixed of various materials, shall pay the highest 'duty to which articles manufactured from any 'of such materials are subject," was agreed to.

The amendment proposing to strike out the third section of the bill, which provides that there shall be added to the duty imposed on any article the amount of bounty or premium allowed on that article, in the country from which the same is exported, was decided as follows:

Yeas—Messrs. Abbot, Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Archer, Baylies, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Bradley, Breck, Brent, Buchanan, Buck, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Campbell of Ohio, Carter, Cary, Clark, Cobb, Cocke, Collins, Conner, Cook, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harris, Harvey, Hayden, Hayward, Hemphill, Henry, Herrick, Hobart, Hogeboom, Hooks, Houston, Isacks, Jenkins, Kent, Kidder, Lathrop, Lawrence, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mallary, Matson, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Alabama, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Prince, Randolph, Rankin, Reed, Reynolds, Richards, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Van Rensselaer, Vinton, Warfield, Wayne, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wilson of Ohio, and Wood—144.

Nays—Messrs. Allison, Brown, Buckner, Cady, Cassedy, Condict, Findlay, Forward, Garrison, Gazlay, Herkimer, Holcombe, Johnson of Virginia, F. Johnson, Kremer, Letcher, Little, McArthur, McKean, McLean of Ohio, Markley, Martindale, Marvin, Matlack, Miller, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Rich, Rogers, Sloane, Sterling, Stoddard, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Woods, and Wright—53.

So this amendment was concurred in.

The question was then taken on the amendment, proposing a new section to the bill, to allow a drawback on silk goods, which may have been unpacked for the purpose of dying, staining, printing, or cleansing them from stains, &c., the same as if they had not been so unpacked, passed in the affirmative.

The amendment adopted in Committee of the Whole, specifying the different duties on wines, was then taken up. Some remarks were made upon this subject by Messrs. Wright and McKim.

Mr. McKim moved to amend the amendment by inserting "Burgundy, Champaigne, Rhenish, and Tokay," as subject to the same duty as is imposed on Madeira wine, say 70 cents per gallon. This was agreed to.

The same member moved to exempt from the operation of the amendment such Spanish wines as were not enumerated in it, so as to leave them subject to the duty already imposed; which was agreed to.

The same member, also, moved to reduce the proposed duty on "Fayal and all other wines from the Western Islands" from 40 to 30 cents per gallon. This was not agreed to.

He then moved to reduce the proposed duty on Malaga wine from 30 to 25 cents per gallon; which was also disagreed to.

He then moved to strike out "50 per cent. ad valorem," as the duty to be imposed on "Claret wines, and all other wines not before enumerated, in bottles," and insert in lieu thereof "30 cents per gallon." This was opposed by Messrs. Webster and Miller, and supported by Mr. McKim. It was not adopted.

Mr. Foot, of Connecticut, moved to strike out the clause imposing a duty on Claret and Malaga wines. The amendment was not adopted.

Mr. Forsyth then moved to amend the amendment by striking it out, and inserting a new section, imposing a duty of 50 per cent. ad valorem on all wines imported in bottles and cases; and on all wines, imported otherwise than in bottles, 40 per cent.; provided that no duty on any wine shall ever exceed 100 cents per gallon. This was advocated by the mover, and opposed by Messrs. Webster and Poinsett. It was not agreed to.

The question was then taken upon concurring in the amendment as agreed to in Committee of the Whole as amended by the House, and was decided as follows:

Yeas—Messrs. Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Campbell of South Carolina, Carter, Crowninshield, Culpeper, Cushman, Cuthbert, Durfee, Dwight, Eddy, Edwards of North Carolina, Fuller, Garnett, Govan, Hamilton, Hayden, Hayward, Hemphill, Herrick, Houston, F. Johnson, Kent, Lee, Livermore, Livingston, Locke, McCoy, McDuffie, McKee, McLane of Delaware, Mercer, Miller, Moore of Alabama, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Saunders, Sandford, Arthur Smith, Spaight, Taliaferro, Tattnall, Tucker of Virginia, Udree, Vance of South Carolina, Vinton, Webster, and Whipple—66.

Nays—Messrs. Abbot, Adams, Allison, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartley, Bradley, Brown, Buchanan, Buck, Buckner, Cambreleng, Campbell of Ohio, Cary, Cassedy, Cobb, Cocke, Condict, Conner, Cook, Crafts, Craig, Day, Dwinell, Eaton, Findlay, Floyd, Foot of Connecticut, Forsyth, Forward, Garrison, Gatlin, Gazlay, Gist, Hall, Harris, Harvey, Henry, Herkimer, Hogeboom, Holcombe, Hooks, Isacks, Johnson of Virginia, Kidder, Kremer, Lathrop, Lawrence, Leftwich, Letcher, Lincoln, Litchfield, Little, Long, Longfellow, McArthur, McKean, McKim, McLean of Ohio, Mangum, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Neale, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Alexander Smyth, William Smith, Spence, Standefer, Sterling, A. Stevenson, J. Stephenson, Stewart, Stoddard, Swan, Taylor, Ten Eyck, Test, Thompson of Georgia, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tucker of South Carolina, Tyson, Vance of Ohio, Van Rensselaer, Van Wyck, Warfield, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, Woods, and Wright—126.

So the amendment was rejected.

Mr. Tod then moved to amend the bill by adding to the clause which now reads thus: "On cotton bagging four and a half cents per square yard," the words, "until the 30th day of June next, and six cents per square yard after that time." This amendment was supported by Messrs. Tod, Cook, Letcher, and Wright, and opposed by Messrs. Brent, Cobb, Owen, and McDuffie.

The question on the motion of Mr. Tod was decided by the following vote:

Yeas—Messrs. Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Brown, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Durfee, Eddy, Ellis, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herrick, Herkimer, Holcombe, Johnson of Virginia, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Lincoln, Little, McArthur, McKean, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Rich, Rogers, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—97.

Nays—Messrs. Abbot, Adams, Alexander of Virginia, Allen of Massachusetts, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Dwight, Eaton, Edwards of North Carolina, Floyd, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Hogeboom, Hooks, Houston, Isacks, Jenkins, Kent, Lathrop, Lee, Leftwich, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Mitchell of Md., Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Richards, Saunders, Sandford, Sibley Arthur Smyth, Alexander Smith, Wm. Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Geo., Tucker, of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina—99.

So the motion of Mr. Tod was rejected.

The House then adjourned to Monday next.

Wednesday, April 12.

The resolution laid on the table by Mr. Whittlesey, on Saturday last, was taken up, read, and agreed to by the House.

The two Messages received from the President of the United States, on Saturday, were read, and are as follows:

FIRST.

To the House of Representatives of the United States:

I herewith transmit the report of the Secretary of

War, with the accompanying documents, containing the information requested by resolution of House of the 10th ultimo, and which communicates the accounts of all the Generals in the Army; likewise of the Inspector General, the Chiefs of the Engineer and Ordnance Corps, and Surgeon General, for the two years preceding the 30th of September last; also, showing the amount of money paid to each, under the different heads of pay, fuel, straw, quarters, transportation, and all other extra and contingent allowances: which report, together with the statements herewith transmitted, furnish all the information required.

JAMES MONROE.

April 9, 1824.

The Message was referred to the committee appointed on the 30th of December last, upon the report of expenditures in the Ordnance Department.

SECOND.

A Message from the President of the United States on the subject of the claim of the State of Virginia to interest on sums advanced by that State for militia services, during the late war; which was referred to the Committee of Claims.

[See Senate proceedings of April 12, *ante*, for this Message.]

Mr. Conner laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to cause to be laid before this House a detailed account of the manner in which the $9,125 have been disbursed, which was appropriated by the act of the 3d of March, 1819, for purchasing a lot of land, and for constructing pipes for supplying the Executive offices and President's house with water. Also, a detailed account of the manner in which the $10,000 have been expended, which was appropriated by the act of the 30th of April, 1818, for graduating and improving the President's square.

Mr. Cushman moved the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing on the pension roll, all the surviving officers and soldiers of the Revolutionary army, who entered the service, or enlisted for three years, or during the war, prior to the year 1781, and who served out the time for which they engaged, or were honorably discharged; which was ordered to lie on the table.

On motion of Mr. Martindale, the Committee on Commerce were instructed to inquire into the expediency of so modifying and amending the "Act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," as to exempt all vessels and boats employed in navigating the canals in the State of New York, from the necessity of being enrolled or licensed, and from the payment of tonnage duties.

The bill from the Senate, entitled "An act to abolish imprisonment for debt," was read twice, and committed to the Committee on the Judiciary.

THE TARIFF BILL.

The House then passed to the unfinished business of yesterday, which was the consideration of the Tariff bill, when—

Mr. Rich moved to strike out the minimum valuation (of forty cents per yard) on woollens, and to insert, after the words "on all manufac-'tures of wool, or of which wool shall be a com-'ponent part, a duty of thirty per cent. *ad valorem,* 'until June 30th, 1825, and after that time a 'duty of thirty-three and one-third per cent. *ad* '*valorem,*" the following words: "until June 30th, 1826, and after that time a duty of thirty-seven and-a-half per cent. *ad valorem.*"

Mr. McKim advocated the amendment in a few observations.

Mr. Foot, of Connecticut, addressed the Chair as follows:

Mr. Speaker: It is not my intention to appeal to theory on this subject. The deep interests of my constituents, whose capital and industry are very equally distributed between agriculture and commerce, (which embrace the pursuits of my life,) and the manufacturers of wool, cotton, cotton gins, muskets, rifles, swords, and pistols, as well for your Army and Navy as for your distinguished officers, which are all in my immediate vicinity, constitute my apology for addressing you; and the declaration of the Chairman of the Committee of Manufactures, that this bill was designed for the encouragement of each of these branches of national industry, in my opinion, makes the duty imperative on me.

The principles which have been advanced by some of the zealous advocates of the bill under consideration, with some of its provisions, which seem to be founded on those principles, in my opinion call loudly on the friends of agriculture, of commerce, and even on the friends of manufactures themselves, to examine its details with a scrutinizing, if not with a jealous eye.

Although the bill itself does not openly and fairly propose, in every instance, a duty which, at first sight, appears to be prohibitory, still, as it is advocated upon that principle by many of its friends, it is fair to infer that such is the object.

A distinguished member, to whom I shall not now allude, for reasons which will be well understood, but whose arguments will not plead privilege, in the Committee of the Whole, has told us, "That the great leading policy of this Government must be changed;" "that a new system must be adopted;" "that we must become a great manufacturing nation;" that the people of these United States must no longer be permitted to pursue the occupations of their own choice, or employ their capital and their industry in those pursuits to which their own good judgment, or their natural advantages, their education, and their skill, are best adapted; but the farmer must leave his plough, and the sailor his ship, and the merchant his counting house, and be immured within the walls of large manufacturing establishments; that your agriculture and your commerce must become tributary to manufactures; that agriculture, the mother, and commerce, the elder sister, must be sacrificed to the ambition of manufactures, the younger sister, the miss in her teens. This is the new, this is the grand system of policy, which you propose to force upon the good people of these United States.

Sir, you will soon find your impotence and your weakness in this attempt. The people are yet your masters, although you may think them your slaves. Before you can effect this great change in the leading policy of the country, you must first make the people slaves. I am well aware, if you could carry your new system of policy into full and complete effect, the people would soon become slaves; the genius and spirit of your Government would be entirely changed; the equal distribution of property, on which alone a free government can long exist, and the independent spirit of our hardy yeomanry, would soon be destroyed; your Government changed into a purse-proud aristocracy, and your population become lords and tenants.

But this you cannot effect. Any attempt to force the people of these States into this silk-worm policy, by the magic power of your tariff bills, will prove abortive. Their habits are too deeply rooted. The great variety and fertility of soil, the immense extent of territory, and the ocean which washes nearly three thousand miles of your coast; the majestic navigable rivers which, like the grand arteries in the human body, flow from the heart of your country to the ocean, speak a language which cannot be misunderstood, and never will be disobeyed; you must, and will, be a great agricultural and commercial nation, in spite of all your legislation.

You may, by your restrictions, embarrass and fetter their enterprise for a short period; you may legislate them into adversity, but it is impossible to legislate a people into prosperity.

The greatest degree of national and individual wealth is obtained by permitting labor, skill, and capital, to find their own employment and investment unshackled, and encourage a free and unrestricted trade. Every attempt of Government to direct or regulate the employment of capital, or enterprise, is mischievous. The only object of a wise Government should be, to remove obstructions to the free use of capital and industry. The politicians of Great Britain have become sensible of the truth of this position, and are receding from the system of arbitrary dictation and restrictions, and shall we now plunge into it? Shall we, at this time, put on the tattered garments of an exploded policy?

The power to regulate commerce was never designed to authorize its destruction, or prescribe its channels. It may be, and often is, necessary to suspend it by embargo, for a time, as the most efficient mode of protection; but the interests of agriculture or manufactures cannot be improved by continued restrictions on commerce.

What will be the effect of imposing heavy duties on the produce and manufactures of other countries, but retaliation, by similar, or perhaps even higher duties on our productions in their ports, which will drive us entirely from their markets, and turn the channel of their trade to other countries, for those supplies which we can furnish in abundance? And, while we are destroying our commerce, in the wretched attempt to foster our manufactures by law, Europe will monopolize the whole trade with the South American States, and we shall find, to our cost, that there is no foreign market for our manufactures, which have been nursed with so much care in this hot-bed system; but we must be compelled to use our own manufactures, and agriculture must pay the increased price, and make up the deficiency in our revenue, while the produce, as well of agriculture as manufactures, will be confined to home consumption. I ask, will this increase your wealth and your independence? Will this furnish a market for your surplus produce? Will this encourage domestic industry?

Commerce has afforded you about $400,000,000 of revenue! Will your manufacturers, without a foreign market, be able to supply the deficit of duty on imports? Can you collect twenty millions of dollars annually from manufactures, even if you could transform all your hardy seamen and farmers into spinners and weavers? Your manufacturing interest generally, even now, is less depressed than your agriculture and commerce, when skilfully and prudently managed. What stronger evidence of this fact can there be, than that manufacturing capital is rapidly increasing? You have already afforded protection to this branch of industry, equal to nearly 40 per cent. on the cost of your fabrics; and if, with this bounty, they cannot compete with foreign manufactures, at home, I think it would puzzle the ingenuity of that gentleman, aided by the whole host of professional gentlemen, to show how our manufactures are to find a fair competition in foreign markets, when you add to the original cost the freight and insurance to a foreign market.

In our country, sir, every branch of lawful industry is entitled to an equal portion of your fostering care, and has a right to demand equal protection from the Government. Your tariff bill, by taxing one interest for the encouragement of another, operates as a bounty, which lays every other interest under contribution for the support of the manufacturer, and is, therefore, unequal and unjust; it taxes the many for the support of a few. As a general principle, the perfect freedom of trade or commerce, which is the interchange of commodities, should never be restricted or burdened, except for the necessary purpose of revenue, in the benefits of which every portion of the community is interested; and by universal consent, every well regulated Government has resorted to it.

The policy of England, which the gentleman has taken as a model for his new American policy, is quoted by the advocates of this bill to prove its utility, and the necessity of adopting this new system of political economy.

Sir, it is much to be regretted that this subject is not better understood. Her wisest statesmen deprecate that policy, to which they have been driven by necessity, in order to meet the enormous expenses incurred in her long protracted continental wars. Her system of bounties, and drawbacks of excise, which some of our knowing ones seem to admire, and to consider as the true philosopher's stone, the magic wand which has produced her great wealth, is nothing but the miserable effect of her otherwise ruinous system of restriction; and the gentleman might have found the table of the British Parliament groaning under the petitions of her suffering subjects, painting in colors equally glowing with his own description of imaginary distress in this happy country, and signed by ten times the number of half-starved victims which have been obtained by hawking petitions about our country for signatures. Her system is a mere opiate to relieve extreme distress—a dose of poisonous or noxious drugs to counteract a raging disease, and the temporary relief, afforded by this violent remedy, has been mistaken by some of our political doctors as evidence of perfect health in the body politic.

I cannot, I will not believe that the zealous admirers of British policy; the warm advocates of this wonderful tariff bill—this patent medicine, which is to cure all diseases, really intended to hazard the operation of this "nostrum" as a mere experiment upon the healthy, youthful, and vigorous Constitution of our infant country, merely to test its effects; that they mean to produce disease merely to show their skill in curing the patient. No, sir; gentlemen, in my humble opinion, have been deceived by the visionary dreams of pamphleteers and political quacks, who have inundated this country with their "specifics" and "nostrums;" who have conjured up imaginary scenes of distress, borrowed, perhaps, from novels, or the effusions of a fervid imagination in painting scenes of distress in other countries to which we are total strangers; or, perhaps, merely for the mercenary purpose of finding a catch-penny market for their books, by the relation of horrid tales, made up to frighten old women or credulous children:—like the story of the "Jersey dancers, who were represented as having danced their feet off to the fiddle of the Arch Deceiver, and were left dancing on the stumps of their legs after the feet were worn off."

I ask any member of this Committee if he has seen any such picture of extreme distress in this country? A gentleman from Pennsylvania, (Mr. Brown,) on the subject of iron, indeed, told us, he had seen a sheriff hovering about his iron works, and probably, the iron was hot; but I did not understand him to say that any of the owners or workmen were starving for want of bread; or that there was any insurrection or rebellion against the laws; or that the bloody scenes of Manchester were exhibited in the State founded by the peaceful Penn.

That the golden days of our prosperity have continued unclouded to the present time, no one will claim. The whole civilized world has received a shock by the sudden transition from a state of universal war to universal peace. The best remedy is repose; universal languor and lassitude is the natural effect which is uniformly produced by violent exercise, and unusual excitement in the human body, and rest and quiet repose are indispensable to restore the system. Apply the same principle to the body politic, and its effects will be found equally salutary.

Every interest in our country is gradually recovering from the shock which has affected every class of our citizens; and, if the officious interference of misguided legislation does not prevent it, our agriculture, commerce, and manufactures, will soon find their proper place on a peace establishment. Your tariff of 1816 was intended to afford relief to your manufactures. It did, like the British policy, afford a temporary relief; but its effects are still visible on our commerce, and sensibly affects and injures our agriculture; and, at this moment, and for more than three years past, has depressed our manufactures by restrictions imposed on our commerce. For, let me assure gentlemen, that manufactures can no more exist and flourish without commerce, than animal life can be sustained without air.

Agriculture is the first and noblest employment of man. On this we depend for subsistence. It is the mother of commerce, and all the useful arts. With the increase of population, commerce, or an interchange of commodities of necessity, springs into being, because the variety of soil and climate produces a variety of the fruits of the earth adapted to our conveniences and our wants, and manufactures of different kinds spontaneously grow up to meet the necessary demands of both agriculture and commerce. The mere exchange of commodities with our neighbors—the passing of an article from hand to hand, requires but little aid from manufactures; but the labor of many artists is required to build the ship to carry on commerce with foreign nations; and I believe I may safely say, that ship building, at this moment, employs more native American citizens than all the manufactories of the country.

From this view of the subject, it must be clear, that any attempt to build up manufactures on any other foundation than agriculture and commerce, or upon the ruins of either of these great interests, would be as absurd and preposterous as to attempt to build a house on a soap bubble. What has supported the manufactures of Great Britain—what the manufactures of India, but their commerce with the whole civilized world? The amount of supplies always has been, and always will be, regulated by the demand. Commerce is the great artery through which the blood flows to the extremities, which returns with supplies through the veins again to the heart, and gives life and energy to the whole system. It is truly the *vis vitæ* of the system.

The gentleman has told us there are two classes of politicians in this country—the one devoted to foreign policy, who would lay duties on imports only for the purpose of revenue, and has attempted to prove (with what success we shall probably see hereafter) that this policy actually encourages the industry and manufactures of foreign countries to the injury of our own. Sir, it would have been very gratifying to the Committee, I presume, if the gentleman had told us what country had adopted this policy, except our own, previous to the tariff of 1816. The other class, to which he professes to belong, and which he is pleased to style the American policy, would adopt the system of restrictions and prohibitions which Bonaparte attempted to enforce against Great Britain, as the last desperate effort to distress his inveterate enemy, and which he then called the Continental Policy of Europe—a system of entire exclusion and prohibition of British manufactures on the Continent of Europe, while, at the very same time, the boasted "Army of England," as he then styled it, was clad in British manufactures. Spain, poor degraded Spain, has tried this same system of restrictions and prohibitions, until she has sunk from the lofty station which she once held in the scale of nations to her present condition, but a small remove from colonial vassalage. England, in time of war, has resorted to it, for the purpose of extorting from every class a heavy contribution. And now, sir, we are told this is the new discovered, true American policy—lay prohibitory duties on imports from foreign countries; destroy your commerce, which has furnished your whole revenue; prevent the export of any of your produce by prohibiting the import of any thing in return; prohibit any interchange of commodities with foreign nations: and all this to find a market for our surplus produce, and for our domestic manufactures!

The gentleman highly extols the British policy, (which he will claim as American,) because the enormous amount of taxes paid in England furnishes strong evidence of her prosperity and ability to pay! I strongly suspect the American people are not very ambitious of showing evidence of their prosperity in the same way, by the amount of taxes they can pay. Besides, sir, it will require a long course of instruction, and strong argument, to convince us that the bloody scenes at Manchester among the starving manufacturers, or the famine and distress in Ireland, furnish the best evidences of prosperity and happiness, or induce our people to adopt their policy, or excite a wish to exchange conditions.

But, sir, in the same speech in which the gentleman has recommended the adoption of this system of encouraging manufactures by restrictions on commerce, he has, if I understood him correctly, declared himself "the firm friend of a free commerce, upon the principles of perfect reciprocity." The propositions made by him, in committee, for the benefit of the whiskey trade, of an increased duty on molasses, of 100 per cent. which must entirely destroy the trade with the West Indies, or impose a heavy tax on the laboring poor, I do not feel myself bound to reconcile with his argument.

The gentleman has expressed his extreme mortification, on looking at a book lately published in England, in which the writer states, "that Great 'Britain enjoys a more profitable trade with the 'United States, since their independence, than 'when they were colonies." Sir, this would not be the first time in which particular and detached parts of a work have been quoted, in support of particular tenets, or pre-conceived opinions, if such were the case here; which, however, I will not believe was designed in this instance. But, sir, if the gentleman had read the whole work, in my opinion, he would have found stronger grounds for exultation and national pride, than for "mortification." The writer has endeavored to reconcile the British nation to the loss of the colonies, by proving that she has enjoyed a better trade with us, as an independent nation, than she ever did, or ever could have enjoyed, if these United States had remained British colonies. He contrasts our present condition with that of the colonies; paints, in glowing colors, our prosperity; and recommends the entire abandonment of the colonial policy, and that Canada should become also independent, because she now costs the mother country more than she is worth.

The tariff of 1816, avowedly supported on the same principle, of giving a spring to domestic industry, and encouraging our infant manufactures, as the present tariff bill, has been in full operation for seven years; and if the picture of distress so ably drawn by the gentleman, be a fair representation, we should suppose that gentlemen would be more disposed to abandon it, than to increase the evils, by extending this system of American policy. One petition, from Delaware, contains much useful instruction on this subject: "The 'duties on low priced cottons, amounting nearly to 'prohibition, have created such competition in the 'manufacture of this article, it cannot be manu'factured to a profit;" and they pray Congress to increase the duty on the finer cottons for the purpose of turning some part of the capital now employed in coarse cottons, to the manufacture of fine cottons, or to some other employment. The only answer I can give this, is, if this has been the effect "in the green tree, what will be done in the dry?" While you still have some commerce remaining, and these coarse cottons find their way to South America, what will be the condition of these, and all other manufactures, when your commerce is destroyed?

Perhaps, sir, this should be called the American policy. It is the policy which has been adopted in our country, in relation to banks, which by this time must be tolerably well understood in some parts of our country. You now propose to adopt the same policy in relation to manufactures. Sir, in my opinion, call it by what name you will, it is a ruinous policy.

The gentleman tells us the present system operates unequally; some portions of the country suffer greater distress than others. And how does he propose to remedy this evil? By making the others suffer as much! Are we to engage in the unprofitable contest which can do the other most harm? Would it not be better to adopt a liberal system of policy, instead of further restrictions, and leave industry, enterprise, and capital, free from any unnecessary restraint? Each portion of the country would then prosper in proportion to their natural advantages, and their industry and economy.

The gentleman has endeavored to prove that our agriculture and commerce are languishing, by a paper calculation, showing that our exports have not increased in proportion to our population. Such a calculation is as deceptive as the estimates of the "balance of trade against us;" because we sold our produce in a foreign market, for more than it cost at home, which was much relied on by the friends of a former tariff, but seems now to be abandoned. If the labor of one man is capable of producing sustenance for one hundred, does it follow, that if our population has increased tenfold, that the foreign demand must increase in the same ratio?

But, sir, we have been told that our commerce is already destroyed, and therefore this bill cannot injure it. But does your receipts from imports prove this? From whence do you derive twenty millions of dollars revenue? It is true, your agriculture and your commerce languish, even more than your manufactures; every interest is in some degree depressed; and what is the cause? It is necessary to ascertain the true cause to enable you to apply the proper remedies. Several causes have combined to produce this result. The enjoyment of the whole carrying trade for the belligerents of Europe, during the long Continental war, from the commencement of the French revolution until the jealousy of Great Britain towards our rising commerce, and the inveterate hostility of France against England, produced the famous Orders in Council and French decrees, which almost swept our commerce from the ocean, and which produced on our part the adoption of the restrictive system of embargo and non-intercourse, and finally of war with Great Britain, had induced our citizens to engage deeply in commerce. From the year 1790 to 1805, this country enjoyed uninterrupted prosperity; perhaps no nation on earth ever increased so rapidly in wealth; our commerce literally covered the ocean, and our flag waved over every sea. Our surplus agricultural products found a ready market, and industry received a rich reward; we feasted and fattened on the distresses of others.

In this situation the war of 1812 found us. The immense amount of capital which had been employed in commerce readily found a profitable investment in manufactures, and during the short period of war received a profit fully equal to its previous investment—the enormous price of our own manufactures lured the cupidity of avarice to vest a large amount of capital in large manufacturing establishments. The sudden and unexpected peace of 1815 found many of these establishments just commencing; extensive and very expensive buildings had been erected; and the cost of machinery in many instances had absorbed the whole capital, and the speculator depended on the promised profits, in a very short period, to reimburse the expense and convert this temporary loan into active, solid capital; and in the meantime the farmer found a ready market for his produce. But the peace blasted the fond hopes of the speculator, and destroyed the home market for the produce of the agriculturist.

Under these circumstances, strong appeals were made to Congress for relief; and the tariff of 1816 was the remedy prescribed by the wisdom of Congress; it had its effect in affording a temporary relief; but here, sir, in my humble opinion, commenced the error in our system. I would ask the candid attention of every sound politician to this point: If, at the time of adopting the tariff of 1816, the internal duties had been continued for one year, and the tariff limited to two years, whether many of the present evils would not have been avoided? Your manufactures had been nursed in a hot-bed; they had sprung into existence as if by magic; they were tender plants, and should have been exposed carefully to the open air. But your tariff induced further investments, which the fate of this country and the state of the world would not warrant; but they were built on your tariff alone, and you still hold out further inducements to manufacturing capital, by the continual promise of further legislative aid, while your foreign commerce, and of course your agricultural interests, is languishing under your restrictive system; and with your manufacturing interest, if you pursue this American policy, will constantly become more and more embarrassed, as you increase manufactures, while at the same time you are gradually destroying their market by your restrictions on trade.

Your export trade was much diminished by your tariff; the surplus produce of your agriculture perished on your hands, or sold at one-fourth of its former value; individuals were in debt; your country was in debt; and the general distress increased rather than diminished, under your restrictive system. In this state of adversity, you flew to remedies poorly calculated to afford relief; you incorporated banks, with the delusive hope of increasing your wealth by the issue of a flood of paper money, without reflecting that the mere increase of a circulating medium, instead of increasing your stock of wealth, only increased your distress, by raising the price of your produce in your own market so high as to prevent a fair competition with others in a foreign market; and while you have been engaged in devising ways and means to restore prosperity, your foreign customers have been driven to other sources for the supply of the articles, which have been perishing on our hands, and which would have found a ready market, but for the system of policy to which you have resorted in vain for relief.

During the three years succeeding the treaty of peace, your agriculture and your commerce were at the lowest state of depression, while your manufactures were supported by a contribution levied on these great interests for their support. During the last four years, manufacturers have felt the evils of the system under which agriculture and commerce had suffered for three years, under the accumulated pressure of hard times and the burdens imposed on them to sustain the manufacturing interest, but still more by the influx of foreign goods forced through your auctions. Yes, sir, by the importation of fabrics of a very inferior quality—woollen goods manufactured like sheathing paper, neither spun nor wove, but merely pasted together, the remnants of old garments, picked up and manufactured with as little expense as paper, and through the medium of your auction brought into competition with your manufactures, subject to no charges, except, perhaps, a small ad valorem duty and one fourth of one per cent. commission to the auctioneer. In this way the foreign manufacturer has been enabled to compete with your American manufactures, and almost entirely destroy the manufactures of coarse woollen goods. This evil may easily be remedied by your auction bill now on your table, and by the minimum in the bill now under consideration, without any essential injury to either your agriculture or your commerce.

But, sir, another cause of embarrassment begins to be felt, and is complained of in a petition from the cotton manufacturers in Delaware. Competition in our own country, in the article of coarse cottons, which has distressed the manufacturers; and yet you propose to give the same encouragement to fine cottons and other manufactures, which have produced this evil, and which experience has proved injurious to coarse cottons, under your prohibitory duties. Sir, the only relief which can be afforded in this case, is in a foreign market. But you seem determined to prevent the export to a foreign market, by laying such duties on imports of articles which do not affect your own manufactures, as will inevitably prevent exports; for trade can never exist but in an interchange of commodities. Will you still pursue this *ignis fatuus* while your experience shows you its baneful effects?

The gentleman has called upon us to look at the petitions from every section of the country, and view the picture of general distress drawn up by the suffering citizens. Sir, I have examined these petitions, and have sought in vain for the picture of extreme distress which his warm imagination has painted. They state coolly and dispassionately, generally, that the great interests of the country are depressed; that industry does not receive the same liberal rewards as in former times; the manufacturers of the various articles of wool, cotton, iron, hemp, glass, &c., have stated the burdens and the pressure upon the particular articles, and appeal to the wisdom of Congress to provide some relief if practicable. But, sir, if gentlemen will examine these petitions, and the sources from which they come, they will find that those sections of our country which have most manufacturing capital make the least complaint. Take, for instance, the six Eastern States, which, by the return of the amount of capital invested, or employed in manufactures in the several States, embraces about one-half of the whole amount employed in the whole country, while the population of these States comprises about one-sixth part of the whole population: from this whole section you do not find one-half as many petitions as from the State of New Jersey, or one-fourth as many as from Pennsylvania. Indeed, you find about as many remonstrating against your tariff bill, as of those who have appealed to your wisdom for relief, and very probably some of the same persons. After seeing the bill—for it does not appear probable that these petitioners ever expected such a remedy from the wisdom of Congress—where do you find a memorial praying Congress to impose additional duty on spirits and molasses? What petition can be found among the whole number, which asks you to change the great "leading policy," by compelling the people to change their occupations? What petition calls on Congress to sacrifice either agriculture or commerce for the support of manufactures? Where is the petition from the farmers, which asks you to impose additional duty on wheat? On hemp? On flax? Or even on wool? I believe there is one which asks for a duty on potatoes. But, sir, I understand the people of that State (Maine) are not much in favor of your tariff, nor are their Representatives among the strong supporters of this bill.

I ask the attention of the House to the bill itself. Let us examine its provisions, and see whether it is calculated to produce the effects contemplated by its advocates. It proposes a gradual increase of duty on manufactures of wool; but, in the next place, it proposes a higher rate of duty on the raw material—on the wool itself. This would operate as a bounty on the foreign manufacture, but for the minimum value of low-priced cloths; in fact, it will operate against the manufacture of fine cloth. But this duty on wool is for the benefit of agriculture and the consumer. I will not take up the time of the House in enumerating the many articles specified in the bill.

The next article I shall notice is *lead*. On this raw material you impose a tax of two cents per pound, for the benefit of the lead mines; and then on red and white lead manufactured from this raw material, four cents per pound, for the benefit of the manufacturer.

On hemp and flax, and on iron, you impose a duty in favor of agriculture; and on the manufacture of these articles a high duty, to protect the manufacturers. But here you seem to have forgotten the consumer—the ship, which is compelled to bear the burden of these double taxes, without any possible relief.

On mill cranks and mill irons, four cents per pound! I would ask whether this tax is for the benefit of the farmer, or the miller, or the man who eats the bread?

On almost every tool, by name, used by the mechanics, and on every implement used by the farmer—ploughs, hoes, scythes, spades, &c.—you impose heavy duties. Are these for the encouragement of agriculture or the mechanic arts? You propose even to tax heavily the cooking utensils used by the poor—the frying pans—but you have, in your great wisdom, struck out gridirons and griddles; whether because these are more generally in use among the rich, we have not been told.

On tallow, four cents per pound! This is to make fat beef and a good market for all the whale oil which can ever be collected. But, as it bears rather heavily on the tallow chandler and soap boiler, you allow a drawback on soap for his relief.

On indigo, alum, vitriol, copperas, and other articles used in manufacture, you propose a tax. We are bound to believe these are designed for the protection and encouragement of these manufactures.

In Committee, you laid on molasses 100 per cent. on the present rate of duty. Thus, you proposed a heavy tax on an important article of subsistence among the poor, either for the benefit of that small part of our country where molasses is produced, or to encourage the use of whiskey. But the House has rejected it. You proposed to prevent the export of grain, and convert it into whiskey! You prefer whiskey, which pays no duty, to rum, on which a heavy duty is levied—even when a small portion of molasses is distilled. Strange as it may appear, there is no branch of industry so well protected, or so much encouraged by your tariff, as the manufacture of whiskey—perhaps for the benefit of the morals of the people!—for you have, by increasing the duty on imported spirits, laid a large bounty on whiskey, at the hazard of at least one-half of the most profitable commerce of the country—I mean the trade with France, Holland, and the West Indies—which afford a better market for the surplus produce of agriculture, than all the rest of the world.

Sir, in my opinion, your bill, like the Indian's description of *punch*, is made up of contradictions. The principles contained in it are at war with each other. You tax the implements of husbandry, and all the mechanic arts, to promote industry! You tax necessaries, instead of luxuries! You tax the raw material and the dyestuffs of your manufactures! You tax one man to support another, and then you tax the other to support him! You tax industry! You tax yourselves to support yourselves! You seem determined to bear your own burdens, and will not consent that others, who are willing, should assist you! In this way, you expect to grow rich and become independent!

But, Mr. Speaker, there is one article in this bill, to which my attention has been called, particularly, by a letter lately received, and to which I beg leave to call the attention of the House. I will not require the chairman of the committee, who has compared himself "to the man in the almanac—stuck full of sticks"—to answer this question; for, I do really think, he has had a hard time of it. But I will ask the gentleman from New York, (Mr. Storrs,) who, some time since, in committee, declared: "If this bill would not 'encourage household manufactures, and find employment for our wives and daughters, he would 'not give his vote in its favor." I ask him to show the House what encouragement is provided, in this bill, for a very considerable domestic household manufacture, and which, in my opinion, will not be much encouraged by building up large manufacturing establishments, and the employment of foreigners and labor-saving machinery. I ask the indulgence of the House while I read a part of this letter, which is from a gentleman of high respectability in the State which gave birth to the chairman of the committee, the gentleman from New York, to seven Senators and about twenty members of the present Congress. Notwithstanding her interests have been so much neglected in the present bill, perhaps on account of the small space she occupies on the map of the United States; and, notwithstanding she lays before you an incorporated manufacturing capital of $7,440,000, about one-ninth part of the amount in the whole Union, while her population comprises but one-twenty-sixth part; and her territory bears a still less proportion.

Mr. F. here read from the letter—

> "That previous to the tariff of 1816, 100,000 yards of tow cloth were annually manufactured, in their families, by the industrious females in the vicinity, for market, at from twenty to twenty-five cents per yard. That this cloth was made by the industrious poor. That, in the same extent of country, the last year, not fifteen thousand yards were made; that these females are now out of employ; that the writer has had applications, within the last two years, for employ, by these females, in spinning flax, or any other employment, for from fifty to eighty cents per week. This manufacture gave employ to many industrious females, who, by their own labor, were well fed and clothed, and contributed much to support their families."

What, sir, let me ask, does this bill propose, in relation to this subject? A duty of three cents per pound on flax, to encourage the raising of the article! to aid the agriculturist! while the use of the article is almost entirely superseded by the manufacture of cotton. Sir, your three cent duty on the importation of flax, is very much like prohibiting the importation of coal to Newcastle, and it is much to be feared that the country will find its fond hopes and expectations of relief from your tariff as much disappointed as was the philosopher who attempted to extract sunbeams from cucumbers.

Mr. Speaker, these are my views of the proposed tariff, and of the system of policy which is proposed for our adoption. I stated, on a former occasion, that our present tariff needed revision; my opinion is not changed, that such a judicious revision might be made as to afford suitable aid to manufactures without materially injuring any other interest.

You have built up some manufacturing establishments by your laws; they call on you for aid and for protection. It is your duty to prevent any unfair or unequal competition of foreign manufactures with our domestic manufactures in our own market. This may be effectually done by laying a heavy duty on sales at auction of foreign manufactures, and by the present minimum in the bill. Some of our present manufacturing establishments require a further temporary encouragement to put them in successful operation. This may be effected by a moderate increase of duty on the articles which directly compete with them in our own market, and which are imported from those countries with which our trade has been least profitable; but their ultimate success must depend on their own industry and economy, and the facilities which may be afforded for a foreign market by means of a free and active commerce, to the prosperity of which they will essentially contribute, with suitable encouragement.

I cannot believe that sound policy would dictate such a degree of encouragement to manufac tures in this country, as to invite capital from other pursuits, at the present time. Our country is in its infancy; our territory too extensive; our population not sufficiently dense; nor the raw materials of the various manufactures sufficiently plenty; nor labor sufficiently cheap; nor are the habits of our people, nor the genius of our Government, calculated for a large and extensive manufacturing people.

But, sir, my firm belief is that by reducing the present rate of duties on the importation of foreign articles, which do not, and will not, compete with our own manufactures, so as sensibly to affect any of our existing establishments, a foreign market might now be found for all our surplus produce, and more life and vigor restored to our industry, than by all the legislative aid which we can afford. Reduce the duty on Madeira wine, on ardent spirits, on sugar and coffee, the products of those countries in which your agriculture finds the best market, so as not to prevent their importation from the certainty of loss to the importer, and you will find every cent which you take from the imported article added with interest and a handsome profit to the produce of your farms, and the export of your surplus produce. Your commerce will flourish, your agriculture revive, your manufactures receive a powerful stimulus, your revenue increase, and the "golden days of commercial prosperity" will soon be restored; not, indeed, to the full extent which you enjoyed when you monopolized the trade of the whole civilized world. Commerce is a common inheritance of all nations, and in times of general peace, we must be contented with our full share, which the industry and enterprise of our citizens will always command, unless they are prevented, by the restrictions of our own laws. Gentlemen mistake, if they think there is no foreign market for our produce. I believe, at this time, the price of our produce in the West Indies is nearly the same as in the days of our greatest prosperity; but they cannot purchase of us, unless we can receive their produce in return, and this we cannot do without incurring an immense loss, in consequence of our heavy duties on imports; and thus, the only market for *our* agricultural products is transferred to others, who understand their interests better. You give to Canada all the West India trade, and the rum, on which you charge a duty of forty-six cents a gallon, when imported by your own citizens, is smuggled into the United States, and you not only lose the trade, but you lose the duty; you encourage smuggling, and you do not much improve the whiskey manufacture, for the rum will compete with it. A gentleman from Pennsylvania stated that rum in Quebec, I think, costs only about five cents more than your present duty.

Sir, I must be allowed to say, that your tariff needs a judicious revision, and that such a revision might be made; but, I cannot say the present bill provides such a judicious revision.

When Mr. FOOT had concluded—

Mr. BARBOUR suggested to the mover of this amendment to modify his proposition, by moving first to strike out the minimum, and then to increase the ad valorem duty, in order that those who were opposed to the minimum, might have an opportunity of voting so as to express that opinion without, at the same time, voting to raise the duty.

Mr. RICH declined thus to modify his amendment.

The debate was further continued by Messrs. KREMER, FOOT, and MCDUFFIE. Mr. BARBOUR then declared that, as the gentlemen from Vermont had refused the modification requested, he should vote against the amendment to strike out and insert, and if the question on that amendment should be decided in the negative, a motion would then be in order simply to strike out the minimum.

After some observations by Mr. MERCER, the question was then taken on Mr. RICH's motion, by yeas and nays, and decided in the affirmative—yeas 103, nays 97, as follows.

YEAS—Messrs. Adams, Alexander of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Breck, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassedy, Cook, Crafts, Culpeper, Durfee, Dwight, Eaton, Eddy, Farrelly, Findlay, Forsyth, Forward, Fuller, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Isacks, Jenkins, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Little, Livermore, McArthur, McKean, McKim, McLean of Ohio, Mallary, Markley, Marvin, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rogers, Rose, Scott, Sharpe, Sibley, Sloane, Arthur Smith, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Taylor, Test, Tod, Trimble, Tyson, Udree, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, P. P. Barbour, Bassett, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Cocke, Collins, Condict, Conner, Craig, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Ellis, Floyd, Foot of Connecticut, Foote of New York, Frost, Garrison, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hogeboom, Hooks, Johnson of Virginia, Lee, Leftwich, Lincoln, Litchfield, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McLane of Delaware, Mangum, Martindale, Matlack, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Rives, Ross, Saunders, Sandford, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Swan, Taliaferro, Tattnall, Ten Eyck, Thompson of Georgia, Thompson of Kentucky, Tomlinson, Tracy, Tucker of South Carolina, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Warfield, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Mr. PHILIP P. BARBOUR then moved further to amend the said bill, by striking out the following paragraph of the first section thereof, viz:

"First. On all manufacturers of wool, or of which wool shall be a component part, a duty of thirty per centum ad valorem, until the 30th day of June, 1825; and after that time, a duty of thirty-three and one-third per centum ad valorem, until the 30th day of June, 1826; and after that time, a duty of thirty-seven and a half per centum ad valorem."

Mr. Barbour explained.

And, on the question to agree to this amendment, it was determined in the negative—yeas 75, nays 124, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, Philip P. Barbour, Bassett, Breck, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Cuthbert, Dwinell, Edwards of North Carolina, Floyd, Forsyth, Fuller, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hooks, Lee, Leftwich, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Neale, Newton, O'Brien, Owen, Poinsett, Randolph, Rankin, Reynolds, Rives, Saunders, Sandford, Arthur Smith, Alexander Smith, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Day, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Lincoln, Litchfield, Little, Livermore, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Nelson, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reed, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Mr. Conner moved further to amend the said bill, by striking therefrom the following item: "On iron in bars or bolts, not manufactured in whole, or in part, by rolling, ninety cents per hundred and twelve pounds weight."

And, on the question to agree to this amendment, it was decided in the negative—yeas 81, nays 114, as follows:

Yeas—Messrs. Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, Bassett, Brent, Buck, Burleigh, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Dwinell, Edwards of North Carolina, Floyd, Foote of New York, Forsyth, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hamilton, Harvey, Hayward, Herrick, Hobart, Hooks, Kidder, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Mercer, Moore of Alabama, Neale, Nelson, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Rives, Saunders, Arthur Smith, Alexander Smith, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Warfield, Whipple, Williams of New York, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Blair, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Day, Durfee, Dwight, Eaton, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lathrop, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rogers, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of Virginia, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

In the second paragraph of the first section of the said bill, is the following proviso:

"*Provided*, That all cotton cloths, whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which at the place whence imported, with the addition of twenty per centum if imported from the Cape of Good Hope, or any place beyond it; and of ten per centum if imported from any other place, shall be less than thirty-five cents per square yard, shall, with such addition, be taken and deemed to have cost thirty-five cents per square yard, and shall be charged with duty accordingly."

Mr. Isacks moved to amend this proviso, by striking out the words "thirty-five," and inserting "twenty-five."

And, on the question to agree to this amendment, it was determined in the negative—yeas 88, nays 115, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Archer, P. P. Barbour, Bassett, Blair, Breck, Brent, Buckner, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hooks, Houston, Isacks, Kent, Lee, Leftwich, Lincoln, Litchfield, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Adams, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartley, Bradley, Brown, Buchanan, Buck, Burleigh, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Little, Livermore, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Mr. Crowninshield then moved further to amend the said bill, by erasing therefrom the following clause:

"Third.—On wool, unmanufactured, a duty of 20 per centum ad valorem, until the 1st day of June, 1825; afterwards, a duty of 25 per centum ad valorem, until the 1st of June, 1826; afterwards, a duty of 30 per centum, until 1st of June, 1827; afterwards, a duty of 35 per centum ad valorem, until the 1st of June, 1828; afterwards, a duty of 40 per centum ad valorem, until the 1st June, 1829; afterwards, a duty of 45 per centum ad valorem, until 1st June, 1830; and, after that time, a duty of 50 per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

And, on the question to agree to this amendment, it was determined in the negative—yeas 74, nays 129, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Archer, Baylies, P. P. Barbour, Bassett, Bradley, Breck, Brent, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Dwight, Edwards of North Carolina, Floyd, Forsyth, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hooks, Kent, Leftwich, Livingston, Locke, Long, McDuffie, McKee, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, Owen, Poinsett, Randolph, Rankin, Reed, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Warfield, Williams of New York, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Allison, Barber of Connecticut, Bartley, Blair, Brown, Buchanan, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Day, Durfee, Dwinell, Eaton, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forward, Frost, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Lee, Letcher, Lincoln, Litchfield, Little, Livermore, Longfellow, McArthur, McCoy, McKean, McKim, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, O'Brien, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Spence, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of Virginia, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Mr. Allen, of Massachusetts, moved to insert, after the 180th line, the following: "On brown sugar two cents per pound, and on white or clayed sugar three cents per pound."

A debate took place, in which Messrs. Allen, Brent, Ross, Wickliffe, Cook, Livingston, McLane of Delaware, and Randolph, took part.

Mr. Randolph said that if the House would lend him its attention for five minutes, he thought he could demonstrate that the argument of the gentleman from Delaware, in favor of the increased duty on brown sugar, was one of the most suicidal arguments that ever reared its spectral front in a deliberative assembly.

The gentleman objects to reducing the duty on sugar, because it will diminish the revenue, which he says we cannot dispense with—and yet he wishes to continue it as a bounty of three dollars per one hundred pounds, (not the long hundred of 112 lbs.,) until the sugar planting and sugar manufacture should be extended, so as to supply the whole demand of our consumption. Then, what becomes of the revenue from sugar that we cannot dispense with? This is what I call a suicidal argument—it destroys itself.

But, we must not reduce the duty to what it stood at, only eight years ago, because it will injure the sale of the public lands. Yes, sir, the public lands! for which, sold or unsold, we never get paid. The gentleman would persuade us that we are under obligation to such purchasers as bought the sugar lands under the existing duty—and how many sugar estates have been established on lands bought of the public—and since the year 1816, too? Sir, this argument of obligation to tax ourselves, for the profit of these overgrown sugar planters, will not hold water. It will not even hold cotton.—[Mr. Tod's reiterated motions to enhance the tax on cotton bagging, had just succeeded by the Speaker's casting vote.] We are not to reduce the duty on sugar for fear of injuring the sale of the public lands, for which, although we may obtain nominal payment, we shall never receive one penny.

[Mr. McLane, at the commencement of his reply, appearing to be much irritated, Mr. Randolph rose and assured him that he intended not the slightest personal disrespect or offence—but Mr. McLane went on to say that the gentleman from Virginia had displayed a good head—but he would not accept that gentleman's head, to be obliged to have his heart along with it.]

Mr. Randolph replied.

It costs me nothing, sir, to say that I very much regret that the zeal which I have not only felt but cherished, on the subject of laying taxes in a manner which, in my judgment, is inconsistent, not merely with the spirit, but the very letter of the Constitution—should have given to my remarks, on this subject, a pungency which has rendered them disagreeable, and even offensive to the gentleman from Delaware. For that gentleman I have never expressed any other sentiment but respect—I have never uttered, or entertained, an unkind feeling towards that gentleman, either in this House or elsewhere—nor do I now feel any such sentiment towards him—I never pressed my regard upon him—I press it upon no man. He appears to have considered my remarks as having a personal application to himself. I certainly did not intend to give them that direction, and I think that my prompt disclaimer of any such intention ought to have disarmed his resentment, however justly it may have been excited. He has been pleased, sir, to say something which, no doubt, he thinks very severe, about my head and my heart.

How easy, sir, would it be for me to reverse the gentleman's proposition, and to retort upon him, that I would not, in return, take that gentleman's heart, however good it may be, if obliged to take such a head into the bargain.

But, sir, I do not think this—I never thought it—and, therefore, I cannot be so ungenerous as to say it: for, Mr. Speaker, who made me a searcher of hearts?—of the heart of a fellow man, a fellow sinner? Sir, this is an awful subject! better suited to Friday or Sunday next, (Good Friday and Easter Sunday,) two of the most solemn days in the Christian calendar—when I hope we shall all consider it, and lay it to heart as we ought to do.

But, sir, I must still maintain that the argument of the gentleman is suicidal—he has fairly worked the equation, and one half of his argument is a complete and conclusive answer to the other. And, sir, if I should ever be so unfortunate as, through inadvertence, or the heat of debate, to fall into such an error, I should, so far from being offended, feel myself under obligation to any gentleman who would expose its fallacy, even by ridicule—as fair a weapon as any in the whole Parliamentary armory. I shall not go so far as to maintain, with my Lord Shaftesbury, that it is the unerring test of truth, whatever it may be of temper—but if it be proscribed as a weapon as unfair as it is confessedly powerful, what shall we say (I put it, sir, to you, and to the House) to the poisoned arrow?—to the tomahawk and the scalping knife? Could the most unsparing use of ridicule justify a resort to these weapons? Was this a reason that the gentleman should sit in judgment on my heart?—yes, sir, *my* heart—which the gentleman, (whatever he may say,) in his heart, believes to be a frank heart, as I trust it is a brave heart. Sir, I dismiss the gentleman to his self-complacency—let him go—yes, sir, let him go—and thank his God that he is not as *this* Publican.

A motion to adjourn was now made, and decided in the negative—ayes 89, noes 99.

And then the question on Mr. Allen's motion was taken by yeas and nays, and decided as follows: Yeas 89, nays 102.

Yeas—Messrs. Adams, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, P. P. Barbour, Brown, Buckner, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Cobb, Conner, Cook, Crafts, Culpeper, Cushman, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Henry, Herrick, Hooks, Houston, Kent, Lathrop, Lee, Letcher, Little, Livermore, Longfellow, McArthur, McCoy, McDuffie, McKim, Mangum, Martindale, Matlack, Mercer, Metcalfe, Miller, Mitchell of Maryland, Neale, Nelson, Newton, O'Brien, Plumer of New Hampshire, Randolph, Reynolds, Rich, Ross, Saunders, Scott, Sibley, Arthur Smith, Alexander Smyth, Spaight, Spence, Sterling, Andrew Stevenson, J. Stephenson, Stoddard, Strong, Taliaferro, Tattnall, Thompson of Georgia, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Udree, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Abbot, Alexander of Ten., Allison, Archer, Baylies, Barber of Con., Bartley, Bassett, Blair, Brent, Buchanan, Buck, Burleigh, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Craig, Crowninshield, Cuthbert, Day, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Forsyth, Forward, Frost, Fuller, Garrison, Garnett, Gatlin, Gazlay, Gurley, Harris, Hayden, Hemphill, Hobart, Holcombe, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lawrence, Leftwich, Lincoln, Litchfield, Livingston, Locke, Long, McKee, McLane of Delaware, McLean of Ohio, Mallary, Markley, Marvin, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Richards, Rives, Rogers, Rose, Sandford, Sharpe,

Sloane, William Smith, Standefer, Stewart, Storrs, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whipple, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

So, the motion was rejected.

Mr. LONG then moved to amend the bill, by reducing the duty on bolting cloths, from fifteen per cent. ad valorem to ten per cent. ad valorem. And the question thereon being stated, the House adjourned.

TUESDAY, April 13.

Mr. WEBSTER, from the Committee on the Judiciary, to which was referred bills from the Senate, of the following titles, viz:

1st. An act to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies;

2d. An act to abolish imprisonment for debt;

3d. An act supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt;"

4th. An act to change the terms of the circuit and district courts of the United States in the State of Ohio, and one of the terms of the circuit court in Kentucky;

5th. An act to authorize the settlement of the accounts of Benjamin Lincoln, and others; reported the said bills, severally, without amendment. When it was

Ordered, That the first and second of the said bills be committed to a Committee of the whole House to-morrow; that the third and fourth of the said bills be read a third time to-morrow; and that the fifth be laid on the table.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana, situated to the east of the river Mississippi, and Island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof," reported the same with amendments; and the bill was committed to the Committee of the whole House to which is committed the bill of this House, granting pre-emption rights to certain settlers in the district of Jackson Courthouse.

The Committee of Claims to which was referred, yesterday, a message from the President of the United States, relating to a claim of the State of Virginia, for interest on money advanced for militia service, during the war with Great Britain, were discharged from the further consideration thereof, and it was laid on the table.

Mr. NELSON, from the Committee on Expenditures on the Public Buildings, made a report in relation to the application and expenditure of moneys appropriated for the public buildings; which was laid on the table.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting three statements in relation to the amount and disposition of the two and three per cent. funds, arising from the sale of public lands; prepared in obedience to a resolution of this House; which communication was ordered to lie on the table.

Mr. COCKE laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House what amount of money has been refunded to the Government by the several prize agents, since the 1st day of March, 1823, designating the amount paid by each agent, and when paid; what legal proceedings have been instituted against each delinquent agent, when instituted, and the present state of said proceedings; and whether the provisions of the joint resolution of Congress, approved March 3, 1823, have been enforced in all cases.

On motion of Mr. JOHN S. BARBOUR, the Committee on Military Affairs were instructed to inquire into the expediency of making further provision, by law, for the relief of Nimrod Farrow and Richard Harris, and their securities.

The resolution yesterday laid on the table by Mr. CONNER, calling for information of the expenditure of certain appropriations for improving the President's Square, &c., was taken up, and agreed to.

THE TARIFF BILL.

The House then passed to the unfinished business of yesterday, which was the motion of Mr. LONG, to reduce the duty on bolting cloths from fifteen to ten per cent. *ad valorem*. The question being taken, the proposed amendment was rejected.

Mr. MOORE, of Alabama, then moved the previous question on the bill, (which precludes all further amendment as well as debate.) The call was not sustained by the requisite number of members.

Mr. TOD proposed, as an amendment, to add to the clause laying a duty on cotton bagging, the following words: "until the 30th day of June, 1825, and, afterwards, a duty of five and a half cents per square yard," the object being to lay on this article a duty of four and a half cents per yard until the 30th June, 1825, and, after that date, of five and a half cents per square yard.

Mr. HAMILTON, of South Carolina, then moved the indefinite postponement of the bill.

At the request of Mr. LETCHER, of Kentucky, a call of the House was ordered—ayes 127.

The call having been ordered, and the Clerk proceeding to call the absentees, the further proceedings in the call were suspended.

The question recurring on indefinite postponement,

Mr. GOVAN, of South Carolina said, that, after the very able view which had been taken by the opponents of this measure, who had preceded him in the discussion, he should not attempt a detailed exposition of the grounds which would influence his vote; because, in so doing, said he, I am well convinced I shall be compelled to use many of the arguments of my friends, which have been expressed in a much more forcible manner than I should be capable of expressing them. I hope, sir, the magnitude of the subject, the great interest which our country must feel in the discussion, is a sufficient excuse for me to trespass, but a few moments, on the patience of the House. The tendency of the measure now before us, and which, I hope to God, will not be adopted by the Committee, I view as one of the most dangerous schemes to the interest of this happy and prosperous nation that ever could have been conjured up by the imagination of man. But, sir, the tendency of it will be lamentable in the extreme to the great interest of that section of country from which I come.

I look upon this question, sir, as pregnant with the most dangerous consequences of any that has been agitated on this floor since the establishment of our Constitution. I regret, sir, to see any measure introduced here, which is, in any way, calculated to excite sectional feeling and create dangerous jealousies. I shall regret much to see one section of the Union arrayed against the other, but such, I fear, will be the effect of the bill now before the Committee. Gentlemen are certainly not aware that they are about to introduce into our country a system which strikes at the very root of civil society, and is calculated to change the character and feelings of our population. No one will deny but that the character of a population depends, in a great measure, on the pursuits and occupations of civilized man. The effects of this measure will be to introduce into our country a system which is calculated to change this nation from an agricultural to a manufacturing people. Instead of breathing that pure and wholesome atmosphere which nature intended us to enjoy, in the delightful cultivation of our fields, and in pursuit of those avocations which are the delight and boast of every American, we are to shut our population up in a miserable factory, as it were in prison, entailing upon this nation one of the most pernicious evils that could be inflicted on human society. Can there be any comparison, sir, of a population reared in the confined apartments of a factory, where they are doomed to waste their free spirits on looms and shuttles, to that which is reared in the delightful pursuits of agriculture, which gives strength to the arm, elevation to the soul, and independence to the profession? The effect of the bill now before us will, I fear, be quite different from that which is anticipated by the advocates of it. It will introduce among this sober, happy, and industrious people, a spirit of division, disunion, and discontent, will diminish the patriotism of our citizens, and corrupt the morals of our people. No one who is acquainted with the progress of manufactures will deny but that the labor in them is calculated to diminish the strength and resources of a nation. Small children are generally employed in these factories, entirely under the control and influence of their parents, who are driven frequently by necessity and the prospect of gain, without taking into consideration the serious evils they are about to inflict on their families. The employment of persons of such a tender age, in these continued and sedentary habits, prevents population from attaining that size which they would were they employed in agricultural pursuits. Many melancholy instances may be cited of the dreadful effects of the influence of this system in Europe, but more particularly in England. We are told by Mr. Peel, one of the most distinguished men of the House of Commons, that the effects of this system on the population of one of the most healthy and flourishing towns in England, has been truly lamentable. He says, that the town of Manchester, which is now one of the most manufacturing towns in England, which used to furnish numerous and healthy recruits for the Army, by the dreadful effects of this system, was rendered wholly unproductive in that respect. In the manufactures of a new and unsettled country, it appears to me, above all others, to be the most uncertain place to invest capital, if the capitalist anticipates an immense profit in the commencement of his business. It requires great skill, and persevering industry, before they can give profit. The habits of the people must undergo a complete change before they can attain any degree of perfection. It is impossible, in the very nature of things, to suppose they can be speedily successful in a country like ours, abounding in extensive forests and untamed lands; and when recourse is had to prohibitions, premiums, and such like forced systems of monopoly, to encourage the prosperity of a country, there is always great reason to fear a mistake has been committed.

No nation in the world has advanced more rapidly to prosperity and wealth than the United States, unassisted by the advantages of conquest, but by the development and natural growth of her own resources. There is no nation under the sun where capital increases more rapidly, and the advantages of industry greater; and we shall still continue to grow and prosper, unless a check is given to us by improper and imprudent legislation. To be sure we have experienced a momentary check to our prosperity, but which has grown out of a state of things partly beyond our control, and partly by our own imprudence in legislation. The nominal price of property may change, our currency may depreciate, but a country possessing so many natural advantages, of soil and climate, with a population doubling every twenty-three years, and the productions of the earth increasing in a still greater proportion, furnish incontestable evidence of its rapid growth and rise to greatness. One of the best evidences of the prosperity of a country is, the price of labor; and I venture to assert, without the fear of contradiction, that in no country in the world is labor so high as in the United States, and it arises from the habits and feelings of our population, growing out of the nature of our Government, and character of our institutions. In no country in the world is there so many inducements for men to cultivate the earth, and become proprietors of the soil. Any man can, in this country, with the fruits of two days labor, purchase an acre of land, which, if well cultivated, will subsist a small family. Can it be possible, with all these inducements to cultivate the soil, and with all the advantages which accompany pursuits of this kind, that an attempt will be made by legislative enactments to force capital from its natural course? Gentlemen say the nation is in debt and distress, and their object is to legislate it into a happy and prosperous condition, and that too by encouraging a particular branch of industry. If, by legislation, we foster and encourage any one particular branch of industry, it must be at the expense of another. It must be by taking from the pocket of A and putting it into that of B. Capital, without the aid of Government, will always seek that kind of employment which is most profitable. And when any attempt is made to divert it from its accustomed channel, it must be at the expense of the other, and perhaps sacrificing the interest of the greater part for the advantage of the few. Mr. Hamilton had said, that "as often as a duty upon 'a foreign article makes an addition to its price, 'it causes an extra expense to the community for 'the benefit of the domestic manufacturer." There is no fact more clear and conclusive, than that, if the manufacturer cannot succeed, with the present high rate of duty, he cannot succeed without imposing an additional tax on the community. The article which it is the object of the consumer to purchase cheap, will rise in proportion to the duty laid on that article. By laying this high duty, which amounts to a complete prohibition, you deprive the Government of the income which arises from importations, and you make the article higher to the consumer, which is all for the benefit and advantage of the manufacturer. If we are to adopt this complicated system, let it be gradual, not speedy. This is the opinion of Adam Smith, to whom, after all that has been said on this subject, we owe more than to any other man. He says, all changes of this kind should be gradual and slow. In this country particularly, this change should be gradual and progressive, inasmuch as Governments like ours, are subject to violent changes of parties, often accompanied with a change of measures. Extensive investments have no security in any particular branch of industry, which are to be encouraged by sudden changes in legislation, and which depend on the whim and caprice of every session of Congress. No nation in the world in proportion to her income, pays so large a bounty for the support of manufacturing industry as the United States. Much has been said on this subject, about establishing what gentlemen have termed an American policy. I am afraid there is a delusion in the sound. It is a popular term which gentlemen have made use of to effect their purpose, when they say, we should build up for ourselves an American policy, and, say they, it is high time we should begin to encourage home industry. The merchant who invests his capital in a ship, and by his enterprise, skill, and industry, brings an article of English manufacture into market, is as much the producer of that article as he who invests his capital in a factory of looms and shuttles, and manufactures the article at home. The process by which the article is acquired may be different, while the effect on the capital and industry of the country may be the same.

This House, sir, has been inundated with petitions and memorials from the noisy and clamorous manufacturers of our country, ambitious of their own personal aggrandizement, and with a view to the accumulation of wealth. They ought to be aware, and, no doubt, are, that experience, skill, and the knowledge of machinery, are necessary to their success. They will have first to rear a population in their factories, persons who must have all the advantages of a well regulated life, to their business, before they can either labor with ease to themselves, or with profit to their employers. It is a fact too notorious, and the history of events will bear me out in the assertion, that, when once we commence this kind of business, there will be no getting out of it. We rear a population in the factory, totally unfit for any other kind of business, or any of the common or ordinary purposes of life, and must, in the very nature of things, continue in the same kind of employment. They become mere machines themselves. Could the advocates of this system be but reasonable in their desires, and await the progress of time, they would soon acknowledge that the present duties were sufficiently high, and that the time is not far distant when we shall see the greater portion of the capital of our country going into the hands of the manufacturer. What has been the course of things already? Have not all the great and well-conducted factories in the United States increased their capital every year? Has this not been the case with the factories at Boston, Providence, and Philadelphia, and others? We are willing to let them decide the question at issue. They are in favor of an increase of duty. This noise and clamor come from a few clamorous sets of manufacturers, who, I venture to say, could not prosper under any state of things, even with an entire prohibition. But, I would ask, is it just or reasonable that we should be called on to protect the improvident and unskilful manufacturer, who has his factory in a section of country possessing few or no natural advantages?—I mean such advantages as water power, and convenience to the seaboard. The time is not far distant when those very men who are now crying out most loudly to protect them against foreign industry, will be equally clamorous for protection against the well-conducted factories of the Eastern States. We may go on passing tariff upon tariff, and, sir, we never can benefit the Western grower of hemp, or manufacturer of cotton bagging. From the very best of information which I have been enabled to obtain on the subject, some of the well-conducted factories of the North have divided this year twenty-five per cent. per annum. One of the arguments which has been urged by the advocates of this system, is, that, if we do not do something to counteract the effect of this difference between our exports and imports, that the country, in a short time, will be drained of a very precious metal. That this difference must be paid in specie, and with this drain is connected all those horrid ideas of national bankruptcy and political ruin. Gentlemen appear not disposed to let the commercial part of the country—I say, gentlemen are not disposed to let them have any thing to do with the regulation of commerce. They will take it under their own protection. They appear to be ready and willing at "one fell swoop" to sweep all our foreign commerce from the ocean, and dry up those sources from which are derived almost every thing which is great and glorious in this Republic. It is presumed that no intelligent merchant would either import or export any article but that on which he expected to realize something more than an equivalent for. No man would continue that trade which, sooner or later, would lead to bankruptcy. To be sure, accidents sometimes happen from various circumstances; from any business being overdone; from the common accidents to which all long and dangerous voyages are liable. But, I venture to assert that every judicious investment of a capital, whether it be in specie or any thing else, returns with an increased value added to our capital by the energy and activity of our countrymen. It is somewhat strange that these instances of what they call balances against us, will be cited to prove a proposition, the converse of which has been established by the best writers on the subject for the last twenty years. We will only refer, for a moment, to the most prosperous period of our history, from 1795 to 1801, a period which must be recollected with pleasure and delight by all the commercial men of the nation; a time when we enjoyed more uninterrupted commercial prosperity than any other nation in the world. And, I ask, was there not then what some gentlemen have called a balance against us, and which has always been the case at every period of our prosperity, and which always must be the case so long as England—"that England, hedged in with the main—that water-walled bulwark"—that emporium of the commerce of the world—enjoys any thing like her present commercial ascendency over every quarter of the world? In the supposition that the specie of England formed the tenth part of the specie of Europe, it is very certain that the other nations of Europe must, and are compelled to, exercise great activity and persevering industry to procure for themselves the other nine-tenths of specie which is necessary for their commerce; and, when they fail to procure that portion which is necessary, the English will soon take to them that part of the precious balance which is wanting. This is very reasonable and obvious, because the exportation of specie gives more profit to the enterprise of the merchant than any other article of commerce.

There must always be what has been termed a balance of trade in favor of England, so long as she maintains her present extensive credit, and carries on so much commerce with the other nations of the world. The inflexibility of her laws with regard to creditors, the undoubted value of her paper money, which governs every thing, go to place her far above all other nations which have neglected, or whose situation cannot procure for them the same advantages. She regards specie in the light which her best interests dictate to her. Nearly all the moneyed transactions of the country are effected by paper money more quick and agreeable than it can be done in any other way. Specie, by all nations, is considered as much an article of commerce as any thing else—as much so as we consider our flour or tobacco. No merchant sends a single dollar abroad but what he receives in return something which he considers more than an equivalent, for every exchange is a *quid pro quo*.

One of the greatest arguments against this bill is that it strikes at the total annihilation and destruction of our foreign commerce—that commerce which has built up, and beautified our most flourishing towns and cities, and given an impetus to that American industry, activity and enterprise, to which we owe the present happy and flourishing condition of our country. Capital will naturally seek that kind of employment which is most profitable; and hence it is, that most of our capital, which is but the accumulation of thirty years, has been directed to commerce. It is true our navigating interest, from a peculiar state of things, has been much depressed, and this, sir, is to be the final blow it is to receive; this is to be our shipwreck. A great portion of the capital of our country is commercial, accumulated by the active enterprise of our citizens, and which, we were told at the last session, by a gentleman who delivered one of the most able speeches on the subject I have ever heard, employed upwards of seventy thousand seaman, for the maintenance of which somewhere about ten millions of dollars were annually paid, to which, if we add the five millions which is necessary to keep this tonnage in repair, we shall find the enormous sum of fifteen millions of dollars annually disbursed to that class of our community. The effect of this measure on the cotton, rice, and tobacco-growing States will be pernicious in the extreme. It will exclude them from those markets where they depended almost entirely for a sale of those articles, and force Great Britain to encourage the cottons (Brazil, Rio Janeiro, and Buenos Ayres,) which, in a short time, can be brought in competition with us. Nothing but the consumption of British goods in this country, received in exchange, can support a command of the cotton market to the Southern planter. It is one thing very certain, she will not come here with her gold and silver to trade with us. And should Great Britain, pursuing the principles of her reciprocal duty act, of last June, lay three or four cents on our cotton; where would, I ask, be our surplus of cotton? It is well known that the United States cannot manufacture one-fourth of the cotton that is in it; and should we, by our imprudent legislative enactments, in pursuing to such an extent this restrictive system, force Great Britain to shut her ports against us, it will paralyze the whole trade of the Southern country. This export trade, which composes five-sixths of the exports of the United States, will be swept entirely from the ocean, and leave but a melancholy wreck behind. I am well convinced the agricultural interest of this country, but more particularly that of the South, is doomed to great distress. Already are our storehouses crowded with bales of cotton, which no sale can be got for, and our granaries filled with grain, rotting on our hands. And yet, gentlemen say, we have protection for our cotton, and they will give us one for our grain. I could not have anticipated such arguments as these. No legislation, on our part, can avert the common distress which the agricultural interest of our country is doomed to suffer. We must look to a change of things on the other side of the Atlantic. An alarming fact has already presented itself. The exports of cotton this last year, from the Levant or from Egypt, into England, has been 143,000 bales; and it arises from the short-sighted policy of the people of the Eastern and Middle States. They have, by their petitions and memorials, together with acts of remonstrance, induced this Government to commence that system of restriction which has forced Great Britain to begin to look somewhere else for a market for her manufactured goods, and that raw material which she will only receive by way of exchange.

The people of the Eastern States should be the last in the Union to give their support to a measure of this kind, which aims a death-blow at the commercial and navigating interest of that portion of country, which has been clearly demonstrated by the gentleman from Massachusetts, (Mr. Webster.) Have they not been the carriers of our exports, and the venders of our imports, which they have brought in in return? Have they not speculated in England on the capital of our raw material? The growers of wheat, the manufacturers of hardware, cotton, or woollen goods here, can have no trade with the growers of wheat, the manufacturers of hardware, cotton, or woollen goods in England. There must be difference of productions, difference of climate, and difference of wants, to create, barter and exchange. The debt of the North to England has been paid by the cotton and rice of the South. Paralyze the South, and you strike from the ocean at once, as I said before, five-sixths of the export trade of the United States. Various causes have induced the Governments of Europe, but more particularly England, to adopt this complicated system of monopoly and prohibitions—a system which she has established, to the serious regret of the wise men of that country—a policy which was once considered sound, but now, as theories, universally exploded. It is the interest of every consumer to buy where he can get cheapest; and we are all, to a certain extent, consumers, and the more markets we have, the cheaper can we buy, and the better can we sell. As long as we trade with Great Britain, so long will she trade with us. But the moment we pass this bill, now before us, which is equal, and, I may say, intended, as a prohibition, that moment will the markets of Great Britain be closed against us. No commerce can be beneficial to both nations, unless it be founded and conducted on the perfect principle of reciprocity. Not only should the article be brought into the market as cheap as possible, but the less labor employed in the making, so much is a gain to the consumer. I should be glad to know if any gentleman from the South, on this floor, was willing to say he was prepared to give his vote for the passage of a bill for a direct tax; that he was ready to send the tax-gatherer among his constituents. I hope not. We shall have neither the means of paying a direct tax, nor of purchasing the manufactured article from the manufacturer. We shall all be driven, in our small way, at great expense and loss of labor, to manufacture for ourselves. For not only does this article, which it is the object of the consumer to purchase cheap, rise in value, but it cuts off the means which the consumer might have in paying for it.

Mr. Speaker has drawn a most unfavorable picture of the distress of our country, but he has dwelt with more than ordinary feeling on that portion of the country west of the Alleghany mountains, and the object of this bill is to relieve them of that distress. If such are the fond anticipations of gentlemen from that quarter, I fear they will be disappointed. I am really disposed very much to question, whether there be any thing like distress in that section of country of which most is complained—I mean the West. There may have been a great depreciation of property, and individuals may not have got rich as fast as they might have wished, or might have anticipated, forming their conclusions from an unnatural state of things, which existed some eight or ten years ago there. I, sir, at various periods, have travelled through that portion of the Union, and I assure you, sir, if there was any thing like distress in the country, it retired from public view altogether. I never, in the whole course of my life, saw a people more happy and contented, in the full fruition of the best of every thing which a rich and luxuriant soil could afford. The cause of the depreciation of property in that country has not been owing to a want of protection to what has been termed American industry. It is owing, sir, to other causes—to a want of a sound currency. It is to be traced in their over issues of paper money, and the regulation of the land office system, which offers such great inducement for emigration, and by that means has drained the country of its moneyed resources. The unparalleled prosperity of that country during our late war, gave a stimulus to industry, and a value to property, which no one who reasoned on the subject could have supposed would continue in time of peace. While the war threatened the Southern and Eastern States with distress and ruin, the Western country were enjoying a height of prosperity never before experienced in any country. And, sir, this measure, if adopted, will be worse than war upon the Southern country, without any of those advantages to the West which grew out of the late war with Great Britain. We, sir, who suffered in war, should at least be allowed some of the advantages incident to a peace. This bill will bear particularly hard, and be extremely onerous and burdensome on the poor and laboring classes of our community; even the spade of the ditcher, the axe of the timber-cutter, the gun of the hunter, and all the common implements of agriculture, are proposed to be taxed to an entire prohibition. Instead, sir, of taxing the rich man's banquet, and those articles which the interest of the country demands we should not encourage, we find those articles taxed highest which enter into the domestic concerns of every man's household. I, sir, should not object to this bill, could it be founded on a great national principle; but, I protest, most solemnly, against any measure so unequal in its operation, and the tendency of which will be to oppress one section of country for the advantage and benefit of another, and which must precede, but a little while, the necessity of an excise, which is inconsistent with the genius and spirit of our Government, and character of our institutions. I should not object to this measure, if the operation could be confined to that portion of the Union which has been so loud and clamorous for it. But, sir, it involves us also. We are ready and willing to make any sacrifice for the good of the nation. Any thing for revenue, but not a cent for monopoly.

When Mr. Govan had concluded—

Mr. Hamilton, withdrew his motion for indefinite postponement.

The question on Mr. Tod's motion, before stated, was then taken, and stood—yeas 101, nays 101, as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Brown, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Durfee, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Holcombe, Houston, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lawrence, Letcher, Lincoln, Little, McArthur, McKean, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Rich, Rogers, Ross, Scott, Sharpe, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Nays—Messrs. Abbot, Alexander of Virginia, Archer, P. P. Barbour, J. S. Barbour, Bassett, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Herkimer, Hobart, Hogeboom, Hook, Isacks, Jenkins, Kent, Kidder, Lathrop, Lee, Leftwich, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Richards, Rives, Rose, Saunders, Sandford, Sibley, Arthur Smith, Alex'r Smith, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Ten Eyck, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Van Rensselaer, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

The House being equally divided, the Speaker voted with the yeas, and the question was thereby carried in the affirmative.

Mr. Foot, of Connecticut, then moved further to amend the said bill, by striking out the following item:

"On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto."

And on the question to agree to this amendment, it was determined in the negative—yeas 80, nays 123, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Baylies, Barber of Connecticut, P. P. Barbour, Bassett, Bradley, Breck, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Conner, Crafts, Culpeper, Cushman, Cuthbert, Day, Durfee, Eddy, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Govan, Hall, Hamilton, Harvey, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Lathrop, Lincoln, Livermore, Locke, Longfellow, McKee, McKim, Mangum, Mallary, Matson, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Saunders, Sharpe, Sibley, Spaight, Spence, J. Stephenson, Stoddard, Strong, Taliaferro, Tattnall, Thompson of Georgia, Tod, Tomlinson, Tucker of Virginia, Webster, Whipple, Williams of North Carolina, and Wood.

Nays—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Archer, Bartley, Blair, Brent, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Cobb, Cocke, Collins, Condict, Cook, Craig, Crowninshield, Dwinell, Dwight, Eaton, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Gist, Gurley, Harris, Hayden, Hayward, Hemphill, Henry, Herkimer, Holcombe, Houston, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Kremer, Lawrence, Lee, Leftwich, Letcher, Litchfield, Little, Livingston, Long, McArthur, McCoy, McDuffie, McKean, McLane of Delaware, McLean of Ohio, Markley, Martindale, Marvin, Matlack, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rives, Rogers, Rose, Ross, Sandford, Scott, Sloane, Arthur Smith, Alex'r Smyth, William Smith, Standefer, Sterling, A. Stevenson, Stewart, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tracy, Trimble, Tucker of South Carolina, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Woods, and Wright.

Mr. Bradley renewed the motion made by him in Committee of the Whole, for laying a duty on certain imported books.

Mr. B. supported the amendment, by submitting at length his views in relation to it.

Mr. **TUCKER**, of South Carolina, opposed the views expressed by Mr. **BRADLEY**, and moved to postpone the bill to the 1st day of December.

The previous question was then again called for, by Mr. **WRIGHT**. There were in favor of taking it 70 votes, and against it 94. So the call was not sustained by the House.

The question then recurring on the postponement, as moved by Mr. **TUCKER**, of South Carolina—

Mr. **MERCER** opposed the motion in a short speech; to which Mr. **TUCKER** replied in a few words.

Mr. **RANDOLPH** requested the gentleman from South Carolina to withdraw his motion, as a personal favor to him, that the question might be taken on the motion of Mr. **BRADLEY**.

Mr. **TUCKER** complied; but with notice that, as soon as the present amendment should be disposed of, he should renew his motion for postponement.

Mr. **ALLEN** made a few remarks introductory to the reading of a memorial drawn up by Mr. Jefferson, (to whose liberal sentiments and philosophical and literary character he bore ample testimony,) on the subject embraced by the amendment now under consideration.

Mr. **BRADLEY** modified his amendment so as to read to the following effect:

"On all books which the importer shall make it satisfactorily appear to the Collector of the port were printed previously to the year 1775, four cents per volume; and on all books printed in other than the English language, four cents per volume; on all other books, if bound, 37 cents—if in sheets, 33 cents per pound."

Mr. **WEBSTER** stated several facts on the subject.

Mr. **POINSETT** supported the amendment by a few remarks.

Mr. **FORSYTH** moved to amend the amendment, by striking out its last clause, viz: "on all other books, when bound, 37 cents per pound, and when in boards or sheets, 33 cents per pound."

Mr. **BRADLEY** opposed this alteration, and it was disagreed to.

Mr. **CONDICT** suggested, as a modification, to insert "or parts of" books, which was accepted by the mover.

Mr. **McARTHUR** called for a division of the question, and it was accordingly taken, first, on the first clause of the amendment, and decided by yeas and nays, as follows—yeas 184, nays 12:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, Bassett, Blair, Bradley, Breck, Brent, Buchanan, Buck, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Campbell of Ohio, Carter, Cary, Cassedy, Cobb, Cocke, Collins, Condict, Conner, Cook, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Ellis, Farrelly, Findlay, Floyd, Foot of Connecticut, Forsyth, Forward, Frost, Fuller, Garrison, Garnett, Gatlin, Gazlay, Gist, Govan, Gurley, Hall, Hamilton, Harris, Harvey, Hayden, Hayward, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Hooks, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Lathrop, Lawrence, Lee, Leftwich, Letcher, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McArthur, McCoy, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Mangum, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Ohio, Plumer of New Hampshire, Poinsett, Prince, Randolph, Reed, Richards, Rich, Rives, Rogers, Rose, Ross, Saunders, Sandford, Scott, Sharpe, Sibley, Sloane, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, Sterling, A. Stevenson, J. Stephenson, Stewart, Stoddard, Storrs, Strong, Swan, Taliaferro, Tattnall, Taylor, Ten Eyck, Test, Thompson of Georgia, Tod, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Webster, Whipple, Whitman, Whittlesey, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, Woods, and Wright—184.

NAYS—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Bartley, Brown, Buckner, Kremer, Little, Patterson of Pennsylvania, Plumer of Pennsylvania, and Reynolds—12.

The question then recurring on the second part of the amendment, the yeas and nays upon it were dispensed with, and that part of the amendment was adopted, without a division.

Mr. **RANDOLPH** then moved to amend the bill so as to reduce the duty on brown sugar to two and a half cents per pound.

Mr. **RANDOLPH** spoke as follows: I rise, sir, for the purpose of offering to the consideration of this House an amendment to the bill before them, which nothing but an imperious sense of duty could have induced me, *rebus existentibus*, to propose. It will be recollected that, in the year 1816, an additional duty was laid on brown sugar. My present object is to reduce the duty to what it then was. I shall not take up the time of the House—I never have done it—in discussing the general principles of any bill on the consideration of its details. We all know the depreciation of money which has taken place since 1816; that revulsion in the pecuniary concerns of this country, many of us, in our own persons, and all of us in the persons of our friends, yet live to deplore. Sir, what was the comparative value of money then and at present? Do we not all know that at that time a duty of six cents per pound on sugar would not have been as much felt as a duty of three cents is felt now? Sir, there was not a man, with the exception, perhaps, of a few miserable usurers and muckworms, who could not then get six dollars easier than he now can get three. For myself, I could more easily have paid three dollars at that time than I can pay one dollar today. Sir, the demon of speculation had taken possession of the public mind—the bubble, not, sir, of the South Sea or the Mississippi, but one every whit as mischievous—was then fully blown to its utmost expansion, and was near bursting. Yet the duty on this article—an article we are all obliged to consume; in its necessity next to the articles of salt and iron, in universal demand; and entering into the food of the poorest man in the community, would not have been as great, in proportion to the value of money—at six dollars then, as it is now at three dollars. Sir, I want to know on what principle it is that the sugar planter, who gets his mules, his stave timber, the provisions for his slaves, at the first hand and on the cheapest possible terms, cannot be satisfied with a *protection*—(the word is not mine; I disclaim every thing of the kind, but I use it in gentlemen's own sense of the term,) yes, sir, a protection of two and a half cents a pound on their sugar? Sir, we have had a practical commentary in the success of the last amendment, (Mr. Tod's, on cotton bagging,) on the effects of perseverance—I hope we shall profit by it; I hope it will animate, especially, every opponent of the bill to keep the faith; to fight the good fight, and to hold out to the end. [Here Mr. Brent interposed.]

Sir, I have not yet done. My proposition, sir, is not to lay a tax, but to take one off. But, from the effect it seems to produce, I could really think that by some necromantic process, I had been suddenly transferred to a Chamber of Deputies, or to a British House of Commons, to the deliberative hall of some one of the older—I will not say the more corrupt—I disclaim the imputation; but one of the older and more *astute* Governments of Europe. Sir, I am wrong. I rather could wish I was thus transferred; for, in the British Parliament, I should see duties reduced to less than one-half of their former amount; not, indeed, from choice, sir, for power is sweet, and so is money; but the British ministry have been driven to the reduction, and on the necessary article of salt, seven-eighths of the duty has been taken off, and they are pledged to repeal the remainder. But here, sir, by some strange conjunction of the planets—for evidently it cannot have been by any constellation being in opposition—a most extraordinary effect has been produced. In this most popular branch of the most popular Government in the world, we, who come immediately from the people, whose arteries may be expected to pulsate and keep measure with their own, instantly become extremely fastidious, so soon as any proposal is made, the object of which is to lessen the burdens of the country. Sir, were it not as plain as the noonday sun, I would quote high authority in this House, to prove what I have said of the distresses of the country. Sir, the very stamp act itself could hardly throw us into a greater flame than a proposal to diminish any of the taxes—ay, sir, or our own emolument, seems to excite in this House. But as it is a feeling in which I do not participate, as my feelings run in quite another direction, I find myself quite cool—never more unmoved in my life; for if, as I have some reason to fear, the tax shall not be reduced, I, sir, shall pay as little of it as any man.

Mr. Condict opposed the motion, and referred to the facts which existed when the present duty was laid.

Mr. Randolph replied.

Mr. Brent said a few words; and

Mr. Floyd argued at some length in favor of the reduction.

Mr. Cook took the same side of the question, and was opposed by Mr. Gurley; when

Mr. Wickliffe called for the previous question. The House refused to take it—ayes 81, noes 99.

Mr. Farrelly opposed the reduction.

Mr. Warfield avowed a change of sentiment on the subject, and argued in favor of the reduction, and in answer to Mr. Farrelly.

Mr. Cook spoke in vindication of the course he had pursued, and in answer to a charge of inconsistency.

Mr. Livingston explained some facts in relation to the consumption and raising of sugar, and urged arguments against the proposed amendment.

Mr. Mallary inquired into the state of the sugar-growing interest, and the prospects of its increase.

Mr. Livingston replied, and stated details in explanation.

Mr. Moore, of Alabama, moved an adjournment.

The House refused to adjourn—ayes 87, noes 100.

Mr. Forsyth gave the history of the imposition of the tax on sugar, to show that it was raised for revenue only, and advocated the reduction.

Mr. Mallary spoke in opposition to it.

The question was then taken on Mr. Randolph's motion, by yeas and nays—yeas 96, nays 99, as follows:

Yeas—Messrs. Abbot, Adams, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, P. P. Barbour, Breck, Brown, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Cook, Culpeper, Cushman, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Henry, Herrick, Hobart, Hooks, Houston, Kent, Lathrop, Lee, Leftwich, Letcher, Little, Livermore, Locke, Longfellow, McCoy, McDuffie, McKim, Mangum, Matlack, Mercer, Metcalfe, Mitchell of Maryland, Neale, Nelson, Newton, O'Brien, Plumer of New Hampshire, Randolph, Reynolds, Rives, Ross, Saunders, Scott, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Sterling, A. Stevenson, J. Stephenson, Stoddard, Strong, Taliaferro, Tattnall, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, and James Wilson—96.

Nays—Messrs. Alexander of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Bassett, Blair, Brent, Buchanan, Buck, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Crafts, Craig, Crowninshield, Cuthbert, Day, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Forward, Fuller, Garrison, Gazlay, Gurley, Harris, Hayden, Hemphill, Herkimer, Hogeboom, Holcombe, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lawrence, Lincoln, Litchfield, Livingston, Long, McArthur, McKean, McKee, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reed, Richards, Rich, Rogers, Rose, Sandford, Sharpe, Sibley, Sloane, Standefer, Stewart, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Webster, Whipple, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, Woods, and Wright—99.

So the motion was negatived.

A motion was made by Mr. Williams, of North Carolina, to amend the bill, by inserting the following, viz: On salt, twelve and a half cents per 'bushel of fifty-six pounds, instead of twenty cents, 'as now imposed by law."

And then the House adjourned.

Wednesday, April 14.

Mr. Campbell, of Ohio, from the Committee on Private Land Claims, to whom was referred a resolution of the House of the 26th of February, directing an inquiry into the expediency of granting the right of pre-emption to certain actual settlers in the district of St. Helena Courthouse, in the State of Louisiana, made a report thereon, which was read, and referred to the Committee of the whole House to which is committed the bill granting the right of pre-emption to certain actual settlers in that part of the former Province of West Florida included in the district of Jackson Courthouse.

Mr. Hamilton moved the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before Congress, on the first day of the next sesion, a detailed revision of the existing tariff; a revision which shall have for its object the production of revenue equal to the exigencies of Government, and which shall be beneficially accommodated to the various and existing branches of the productive industry of the country.

The resolution was read, and ordered to lie upon the table.

Mr. Floyd submitted the following resolution for consideration to morrow:

Resolved, That the President of the United States be requested to cause to be laid before this House any information he may possess showing the kind and quantity of provisions, stores, or supplies, of any kind, which have been sent from the United States to any of the ports of South America, on the Pacific ocean, for the use of the vessels of war of the United States; designating the ports from whence such supplies were sent, the name of the ship or vessels so employed; the time when, and the amount paid for such, and for transportation thereof; likewise, the name of the owner or owners of such ship or vessels; how and when paid; also, the amount paid in said ports by any agent of this Government for supplies of any kind for the vessels of war of the United States, stating the name and office of the person, the time when, the place where, and the mode of payment; whether in bills, notes, or money; if in bills or notes, whether at par value, if not, at what discount or advance.

The resolution yesterday offered by Mr. Cocke, calling for information respecting payments of arrears by navy agents, &c., was taken up and agreed to.

Mr. Crowninshield, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The petition of William Eaton, presented to the House on the 16th day of February last, was referred to the Committee on Military Affairs.

The Message of the President of the United States, upon the subject of the claim of the State of Massachusetts, for the services of the militia of said State during the late war with Great Britain, was referred to the Committee on Military Affairs.

Bills from the Senate, of the following titles, to wit: "An act, supplementary to the act, entitled 'An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt;" "An act to change the terms of the circuit and district courts of the United States, in the State of Ohio, and one of the terms of the circuit court in Kentucky;" were, severally, read the third time, and passed.

CLAIM OF DANIEL D. TOMPKINS.

Mr. McLane, of Delaware, from the Committee of Ways and Means, to whom was referred the Message of the President of the United States upon the subject of the claim of Daniel D. Tompkins, late Governor of the State of New York, made a report thereon; which was read, and is as follows:

The Committee of Ways and Means, to whom was referred the Message of the President of the United States of the 25th of March, 1824, relative to the accounts of Daniel D. Tompkins, report:

That the accounts of Mr. Tompkins underwent a full investigation by a committee of the House, appointed at the second session of the last Congress, who made a detailed report thereon, and in the views of the committee then expressed, as to the services of Governor Tompkins, and his claims to the justice and liberality of his country, this committee fully concur.

On a consideration of the claims and accounts of Governor Tompkins, the committee, at the last session, reported in favor of, and recommended—

1. An allowance of interest on all moneys advanced by him, on account of the public, from the time of making such advances to the time of his being reimbursed.
2. An allowance of a reasonable commission on all moneys disbursed by him during the late war.
3. An indemnity for losses sustained by him, in consequence of any failure on the part of the Govern-

ment to fulfil its engagements to send him money and Treasury notes, within the time specified, to be deposited in certain banks as collateral security for loans procured by him at the request and on account of the Government.

4. An irresponsibility for losses incurred by any frauds or failures of sub-agents to whom moneys were advanced through his hands.

In conformity with this report, a bill was passed authorizing "the proper accounting officers of the Treasury to adjust and settle the accounts and claims of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States."

The committee have no doubt that Governor Tompkins has been and yet is a creditor of the Government to a large amount, and that every principle of justice would recommend a prompt and liberal settlement of his accounts, upon the basis of the foregoing report; but they are of opinion also that the act of Congress before recited gives sufficient authority for this purpose.

So far as the committee have been informed, it appears that the aforesaid act has been liberally interpreted by the President and the accounting officers, and that, under the provisions of that law, the President of the United States now possesses the power, and ought, in the opinion of the committee, to exercise it, of doing full and liberal justice to Governor Tompkins.

The committee do not perceive any good reason, therefore, for making any change in the existing law, and recommend the following resolution:

Resolved, That the Committee of Ways and Means be discharged from the further consideration of the subject, and that it be again referred to the President of the United States for his final decision.

Some conversation arose between Mr. McLane and Mr. Cocke, on the subject, when Mr. Cocke moved to lay the report on the table. The motion was agreed to—ayes 76, noes 60.

THE TARIFF BILL.

The House having resumed the consideration of the bill for a revision of the Tariff—

Mr. Tucker, of South Carolina, renewed the motion he had yesterday made for a postponement of the Tariff bill to the first day of December next; on which question the yeas and nays were required.

Mr. Trimble moved for a call of the House; the motion was agreed to—ayes 87, noes 78. A call of the House was accordingly ordered. The names of the absentees were called and the doors closed.

Mr. Little then moved to dispense with all further proceedings in the call. The motion was negatived. Ayes 78, noes 103.

Excuses were then offered for several absentees, and accepted.

Mr. Webster moved that all further proceedings on the call be dispensed with.

Mr. Trimble opposed the motion.

The question was taken and decided in the affirmative. Ayes 110.

Mr. Mercer protested against either an indefinite postponement, or taking the previous question on this bill, whilst amendments were pending, and others ready to be offered.

Mr. Trimble then required the previous question. The House refused to sustain the call—ayes 94, noes 97.

Mr. Webster stated his reasons for voting against the indefinite postponement of the bill.

Mr. Randolph expressed nearly the same views.

Mr. Tucker said, on making his motion to postpone the Tariff bill to the 1st of December next, he did not rise to make a speech, because other gentlemen had already expressed his views of the subject under discussion much better than he was capable of doing, and much more to his satisfaction. But I am of opinion, said Mr. T., that this discussion, and the course that has been pursued, are sufficient evidence of the impropriety, at least, of laying duties for any purpose except revenue. And if we can place any confidence in the opinion of the President of the United States, and Secretary of the Treasury, there is no necessity for increasing the revenue, except it should be thought necessary to carry into operation a system of internal improvement—a project, he believed, equally as unconstitutional as the proposed tariff, and which will be equally as partial in its operation, and oppressive in its effect; both of which I consider a violation of the spirit of the Constitution, unwise, and impolitic—measures which I protest against. Some gentlemen contend that, if the bill should pass, it will increase the revenue, and encourage domestic industry; and that, by increasing the duty, the articles will come cheaper to the consumer, &c. I cannot believe such doctrine. To say that the manufacturers cannot go on without increasing the present duties, to enable them to compete with foreign manufactures, and thereby place it in the power of the manufacturers to charge more for their articles, and yet that they will come cheaper to the consumer, seems to me absurd.

Our Constitution was formed to establish justice, insure domestic tranquillity, provide for the common defence and general welfare of this Union. But, if these projects are carried into operation, they must and will have a contrary effect. From some sections of this Union, petitions have been presented from many manufacturers, praying for protection; which, if they succeed, must operate against the interest of every other class, except themselves, and be particularly oppressive to the people in the Southern States.

This subject has been too long discussed, and I have no doubt every gentleman's mind is made up on it, and that the vote now would be the same, that it would be a month hence. I think the bill worse now, than when it was reported by the Committee of the Whole, and as I am opposed to the bill with any amendments that could be made; and, for the purpose of putting an end to further dicussion and amendment, I shall move for the postponement of it. I think it time for the present session to come to a close; I, for one, wish to go home; but, if gentlemen think we should stay longer, I am of opinion our time can be much better employed on other subjects. I call for the ayes and noes on the question of postponement.

Mr. Hamilton and Mr. P. P. Barbour made a few observations in reply. When the question was taken on indefinite postponement—yeas 45, nays 155, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, J. S. Barbour, Burton, Campbell of South Carolina, Cary, Cobb, Cocke, Conner, Culpeper, Edwards of North Carolina, Floyd, Forsyth, Gatlin, Gist, Govan, Gurley, Hall, Hayward, Hooks, Kent, Lee, Leftwich, Long, McCoy, Mangum, Moore of Alabama, Neale, Owen, Rankin, Reynolds, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Taliaferro, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Archer, Baylies, Barber, of Connecticut, P. P. Barbour, Bartley, Bassett, Beecher, Blair, Bradley, Breck, Brent, Brown, Buchanan, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Carter, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forward, Frost, Fuller, Garrison, Garnett, Hamilton, Harris, Harvey, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Lincoln, Litchfield, Little, Livermore, Livingston, Locke, Longfellow, McArthur, McDuffie, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Nelson, Newton, O'Brien, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Prince, Randolph, Reed, Richards, Rich, Rives, Rogers, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Spence, Standefer, Sterling, A. Stevenson, James Stephenson, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Webster, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

The question then recurred on the amendment previously offered by Mr. Williams, reducing the duty on salt to 10 cents per bushel.

Mr. Ross called for the previous question.

The House refused to sustain the call—ayes 93, noes 95.

Mr. Sandford made some general remarks in opposition to the bill.

Mr. Reed stated facts, and quoted memorials in opposition to the amendment proposed.

Mr. Floyd advocated the reduction, which was also supported by Messrs. Randolph and Moore, of Alabama; when the question was taken by yeas and nays—yeas 81, nays 122, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Buck, Burleigh, Burton, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Houston, Kent, Lathrop, Lee, Leftwich, Little, Livermore, Long, McCoy, McDuffie, McKee, McKim, Mangum, Matlack, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Owen, Plumer of New Hampshire, Poinsett, Randolph, Reynolds, Rives, Rogers, Saunders, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, Sterling, A. Stevenson, J. Stephenson, Stoddard, Taliaferro, Tattnall, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Wayne, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—81.

Nays—Messrs. Adams, Alexander of Tennessee, Allison, Baylies, Bartley, Bassett, Beecher, Blair, Breck, Brent, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foote of New York, Forward, Fuller, Garrison, Gazlay, Gurley, Harris, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Hogeboom, Holcombe, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Lincoln, Litchfield, Livingston, Longfellow, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Newton, O'Brien, Patterson of Pennsylvania, Patterson of Onio, Plumer of Pennsylvania, Prince, Rankin, Reed, Richards, Rich, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Sloane, Stewart, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Webster, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—121.

So the motion of Mr. Williams was negatived

Mr. Condict moved to amend the bill by adding to the clause, fixing the duty on bar iron, at 90 cents per cwt., the following words: "Until the 1st day of June, 1825; and, from that time, a duty of one dollar per cwt."

I did not rise, said Mr. Condict, to discuss, at length, the principles of the bill. It was my intention to submit my views of its general policy, and of the effects which probably would result from its adoption; but, being precluded an opportunity, when in Committee of the Whole House, where the debate has been protracted to a great length, knowing how precious the time of the House is, and how impatient gentlemen are to vote upon the final question, I will content myself with a very few remarks connected with the amendment I have the honor to submit.

I will, first, ask the attention of the House to the condition of the iron works in the district where I reside. In the county of Morris there are about forty establishments for the manufacture of bar iron—in all, about ninety forge fires; most of them are located upon one stream, a branch of the

Passaic river. During the restrictive system, and whilst the war continued, these works were in a flourishing condition; the iron found a ready sale, and commanded a good price. At the close of the war, the large importations from Europe reduced the price below the actual cost of making it, and these works ceased. The owners petitioned Congress for relief, by additional duties on foreign iron. In the hope that aid would be granted, they struggled for existence, endeavoring to employ their workmen, rather than discharge them, although every ton of iron made was sold at a loss. In 1815 or 1816, Mr. Dallas, then Secretary of the Treasury, recommended an increase of the duty on foreign iron, to $15 per ton. But, such was the hostility to this important branch of industry, so strong was the joint influence of the merchants and planters, that, instead of advancing the duty, as Mr. Dallas had advised, they reduced it to forty-five cents per cwt. or nine dollars per ton. The consequence was, irretrievable ruin to the great body of iron-masters in every section of our country. Of the forty establishments before referred to, with the exception, perhaps, of four or five, the works have either been abandoned, or have changed owners. The few who withstood the shock, were men who had accumulated property whilst the business was profitable, and who, during the time of depressed prices, merely converted the surplus produce of their farms into cash, by the operations of their forges, following the iron business as a secondary employment; whilst every man who made it his principal concern, who sold his iron and purchased his provisions and stock, was ruined. His forge, his lands, his goods and chattles, were all struck off under the sheriff's hammer, at public auction. He himself was driven to jail; his workmen were unemployed; some of them followed their employer to the jail; some emigrated to new countries; their families were reduced to abject want, and compelled to ask relief from the town, or resort to beggary. The sound of the axe and the forge hammer was no longer heard from the mountains, where, but a few years before, all was life, and action, and gladness.

Such, Mr. Speaker, was the actual condition of these unfortunate people; a condition, not the result of their idleness or prodigality, but of the neglect of their own Government, which had looked on as an unconcerned spectator, upon the ruin of our own citizens, accomplished by the policy of foreign Governments.

About the year 1819, a duty of seventy-five cents per cwt. or $15 per ton, was imposed, under which act many of those works gradually revived, and, with the most rigid economy, their owners were enabled for a time to pursue the business. The general peace of Europe, the disbanding of about 600,000 men, so long employed in arms, had the effect of reducing the price of labor to so law a degree, as to enable the manufacturers in Sweden and Russia and England to undersell us. The importations of iron in 1821, 1822, and 1823, have been so enormous, as to drive American iron from our market. Our average import had been about 20,000 tons annually, but, in 1823, we imported 31,000 tons. Not a bar of American iron can now be sold in our cities, except at a dead loss to the manufacturer. Our citizens, employed in this business, have loaded your table with their memorials, stating their difficulties, and imploring relief. Will you turn a deaf ear to their distresses? Will you suffer these establishments to fall into utter decay? Will the Government be dependent on foreign nations for an article so essential to our national defence—so necessary for every purpose of agriculture? Will you look to Europe for your cannon and muskets, your swords and your ploughshares, your spears and pruning hooks? With your hills and mountains abounding with the richest iron ore on the globe, competent, not merely to supply your own wants, but amply adequate to supply the whole world, with fuel and water power in the vicinity of every mine, sufficient to prepare it for use, will you still look to England and Sweden and Russia, for this indispensable article? Will you transport it three and four thousand miles, merely to give employment to your surplus tonnage? To give your merchants the benefit of the freight, and a profit upon the purchase?

What is the objection to raising the duty on this article? It is said it will enhance the price to the consumer. I admit, Mr. Speaker, it may produce that effect for a limited period; but, in the end, the domestic competition will insure an abundant supply, and at a reasonable price. There is no greater fallacy, than the assertion, so often repeated, that increased duties always enhance the price of the article. On the contrary, I maintain that, when the Government has afforded a duty amounting to a protection from foreign importation, a reduction of price has followed. I would instance coarse cottons as a most conclusive and triumphant proof. In 1816, when the protective duty of twenty-five per cent. was enacted, with a minimum valuation of twenty-five cents per square yard, all the arguments which sophistry and mercantile cupidity could invent, were urged against the measure. All the gloomy predictions, now enforced against this bill, were arrayed. Commerce was to be destroyed; the Navy would be annihilated; the whole nation was to be taxed for the benefit of a few cotton spinners; the poor of the land would be compelled to pay double prices for the coarse garments they wore. The law, however, went into operation, and the coarse cottons of India were excluded. The trade in that article was cut off, and this is the only prediction in the whole catalogue which has been fulfilled. The wants of the country, in respect to coarse cottons, are most abundantly supplied; we produce, from the skill and industry of our own people, an article most essential to our comfort, of a quality vastly superior to any ever imported, and at a price greatly reduced. Sir, if this fact stood alone, it would speak volumes in favor of the policy of this bill. Gentlemen may tax their ingenuity as they please, to account for the success of this measure of national policy, and for the failure of their own predictions; they cannot mislead the public mind. The facts are apparent to the capacity of every man. But, sir, this is only one instance which goes to show the fallacy of the assertion, that increased duties augment the price to the consumer. I might enumerate the various articles manufactured from leather—as boots, shoes, harness, saddles, bridles—cabinet furniture, as chairs and tables—carriages, hats, nails, shovels, and spades, and various other articles, as furnishing conclusive evidence that, where Government has granted an adequate protective duty, to articles of prime necessity, the raw material of which is produced at home, domestic competition invariably produces an adequate supply, at prices generally not exceeding those of the imported articles, and frequently much lower, taking into calculation the quality of the goods.

Taking, then, experience as our guide, may we not expect the same results, in regard to iron? New mines of this valuable treasure are daily discovered, producing, in the greatest abundance, the best iron in the world. Protect your manufactures from being ruined by foreign importation; give them the supply of the home market, which will insure them a regular demand and a ready sale for the fruits of their industry. Let them progress gradually in perfecting their machinery, and in acquiring skill, which experience alone can give. The resources of our country, the enterprise and energy of our citizens, with our experience in relation to other subjects, all justify the conclusion that domestic competition will insure us a full supply, at reasonable prices, of an article so intimately connected with our national defence in war, and so essential to our agricultural, our manufacturing, and our commercial pursuits in peace.

Mr. **Baylies** opposed the amendment in a short speech.

Mr. **McDuffie** moved to amend the amendment, by striking out one dollar and inserting eighty cents, as the duty per cwt., and supported his motion by a speech, in which he delivered at length his sentiments on the iron duty.

Mr. **Archer** followed, on the same side, in a speech of considerable extent.

Mr. **Webster** spoke at length in favor of the duty of eighty cents.

Mr. **Tod** rose in reply, and, having spoken for some time, after he concluded,

Mr. **Kremer** called for the previous question.

The House, this time, sustained the call—ayes 98, noes 86.

The question, "Shall the main question be now put?" was taken by yeas and nays—yeas 111, nays 93, as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Barber of Connecticut, J. S. Barbour, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Cocke, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foote of New York, Forward, Garrison, Gazlay, Gurley, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, Kent, Kidder, Kremer, Leftwich, Letcher, Little, Livingston, McArthur, McKean, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Sandford, Scott, Sharpe, Sloane, Wm. Smith, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Nays—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, P. P. Barbour, Bartlett, Bassett, Breck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Isacks, F. Johnson, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sibley, Arthur Smith, Alexander Smyth, Spaight, Spence, Standefer, A. Stevenson, James Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

The said *main question* was then put, to wit: "Shall the bill be engrossed, and read a third time?" and passed in the affirmative—yeas 105, nays 102, as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Nays—Mesrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuth-

bert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Isacks, Kent, Lathrop, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

So the bill was ordered to be engrossed and read a third time.

The question being then stated, as to the day on which the bill should receive its third reading—

Mr. TOD moved that it have its third reading to-morrow.

Mr. RANDOLPH moved that it have its third reading on Monday next, and supported the motion by a few remarks.

On this question a warm debate arose, in which Messrs. LIVINGSTON, MERCER, and WARFIELD, advocated, and Messrs. TOD, KREMER, METCALFE, and STORRS opposed the postponement.

Mr. SAUNDERS moved for the indefinite postponement of the bill.

The Chair pronounced this motion out of order.

Mr. SAUNDERS then, at the suggestion of Mr. RANDOLPH, moved that the third reading take place on the 4th of July next.

Mr. WRIGHT made some observations in explanation of the actual state of the question, in regard to the bill.

An unsuccessful motion was made to adjourn.

Mr. FOOT, of Connecticut, moved that the bill be laid on the table.

The Chair pronounced this motion to be out of order, as the bill itself was not, at the present moment, before the House, and the only question before the House being the fixing of the day for a third reading.

The question was then taken on the 4th day of July next, as the day for the third reading, by yeas and nays—yeas 68, nays 131, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Day, Edwards of North Carolina, Floyd, Forsyth, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hooks, Kent, Lee, Leftwich, Livingston, Long, Longfellow, McCoy, McKee, Mangum, Mercer, Moore of Alabama, O'Brien, Owen, Poinsett, Randolph, Rankin, Rives, Saunders, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Cuthbert, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lathrop, Lawrence, Letcher, Lincoln, Little, Locke, McArthur, McDuffie, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Neale, Nelson, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reed, Reynolds, Richards, Rich, Rogers, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Mr. RANDOLPH withdrew his motion for Monday, and the bill was then ordered to be read a third time to-morrow.

The House then adjourned.

THURSDAY, April 15.

Mr. HAMILTON, from the Committee on Military Affairs, made a report on the petition of Dean Weymouth, accompanied with a bill for his relief; which was read twice, and committed to a Committee of the Whole.

The SPEAKER laid before the House a letter from the Secretary of the Navy, accompanied with a report of the number of non-commissioned officers and privates of the marine corps in the service of the United States, and where stationed or performing duty; also, a report of the amount paid to the Lieutenant Colonel of the marine corps the past year, for his monthly pay and emoluments of office, prepared in compliance with a resolution of the House of Representatives of the 12th April instant.—Laid on the table.

The resolution yesterday offered by Mr. FLOYD, respecting transportation of private property in national vessels, purchases of naval stores abroad, &c., was taken up and agreed to, *nem. con.*

On motion of Mr. CALL, the Committee of Ways and Means were instructed to inquire into the expediency of allowing a compensation to Joseph M. White and William Davidson, of Florida, for services rendered the United States, in the capacity of district attorney and marshal of the district of West Florida.

On motion of Mr. FRANCIS JOHNSON, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of placing Joseph Kingry, late a private in the service of the United States, on the pension roll.

The resolution laid upon the table yesterday, by Mr. **HAMILTON**, was taken up, read, and again laid upon the table.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act for the relief of Thaddeus Mayhew;" "An act for the relief of Ichabod Lord Skinner;" "An act to alter the times of holding the district court in the district of Missouri;" "An act for the relief of Hezekiah Langley and Benjamin M. Belt;" and "An act for the relief of Thomas Hewes; in which bills the Senate ask the concurrence of this House.

Mr. **ALLEN**, of Massachusetts, called for the consideration of the resolution proposed by him for fixing a day for the adjournment of Congress; and, on his motion, the question of consideration of this proposition was taken by yeas and nays.—The vote stood as follows: For considering it, 100; against considering it, 100.

The House being equally divided on the question, the **SPEAKER** voted thereupon in the negative.

So the House refused now to consider the said resolution.

Mr. **RANDOLPH** moved—and there was no occasion, he presumed, for him to indicate the grounds of that motion—that when the House adjourns, it shall adjourn to meet on Saturday next. On this question Mr. **TOD** asked for the yeas and nays, but the House refused to order them. The question was then taken on Mr. **RANDOLPH'S** motion, and decided in the negative, without a division.

OCCUPATION OF COLUMBIA RIVER.

Mr. **FLOYD**, from the committee appointed on the 29th of December last, to inquire into the expediency of occupying the mouth of the Oregon or Columbia river; made a report thereon, which was read, and laid on the table. The report is as follows:

The committee to which was referred the resolution of the 29th day of December last, instructing them to inquire into the expediency of occupying the mouth of the Oregon or Columbia river, have had the same under consideration, and ask leave further to report: That they have considered the subject referred to them, and are persuaded, that, both in a military and commercial point of view, the occupation of that Territory is of great importance to the Republic; but, as much has been submitted to the House on these points, by former committees, they have now deemed it necessary only to present a view of the difficulties which would probably present themselves in accomplishing that object, and the manner in which they can be overcome.

To obtain information, a letter to this end was addressed to an officer of the Army, whose integrity in the public service is well known to the House, and whose military knowledge is entitled to the highest respect; that officer, Brigadier General Thomas S. Jesup, answered so satisfactorily to the committee, that they have presented the answer, in its entire form, to the House, and adopt it as a part of this report.

QUARTERMASTER GENERAL'S OFFICE,
Washington, April 26, 1824.

SIR: In reply to your letter, dated the 30th ultimo, requesting me to communicate "any facts, views, or opinions, which may have presented themselves to me, relative to the probable difficulty of making an establishment at the mouth of Columbia river, and the military advantages of that establishment," I have the honor to remark, that, ever since my attention was first directed to the subject, I have considered the possession and military command of the Columbia necessary not only to the protection of the trade, but to the security of our Western frontier. That flank of our country, extending from the Lakes to the Gulf of Mexico, is every where in contact with numerous, powerful, and warlike Indian nations; who, altogether, might be able to bring into the field, from twenty to thirty thousand warriors. Most of those nations communicate, either with the British to the North and West, or the Spaniards to the South. In the event of war, that force, with a few hundred foreign troops, or under the influence of foreign companies, might be made more formidable to us than any force which Europe combined could oppose to us. On the other hand, if such measures be adopted as to secure a proper influence over them, and, in the event of war, to command their co-operation, they, with the aid of a few small garrisons, would not only afford ample protection for that entire line, but would become the scourge of our enemies.

The dangers to be apprehended, can only be averted by proper military establishments; and whether the post at the mouth of Columbia be intended to secure our territory, protect our traders, or to cut off all communication between the Indians and foreigners, I should consider a line of posts extending from the Council Bluffs entirely across the continent necessary. Those posts should be situated, as well with a view to command the avenues through which the Indians pass from the north to the south, as to keep open communication with the establishment at the mouth of the Columbia.

A post should be established at the Mandan villages, because, there the Missouri approaches within a short distance of the British territory, and it would have the effect of holding in check the Hudson's Bay and Northwest Companies, and controlling the Rickarees, Mandans, Minnatarees, Assiniboins, and other Indians, who either reside or range on the territory east, north, and west of that point.

A post at, or near, the head of navigation on the Missouri, would control the Blackfoot Indians, protect our traders, enable us to remove those of the British companies from our territory, and serve as a depot, at which detachments moved towards the Columbia might either be supplied, or leave such stores as they should find it difficult to carry with them through the mountains. It might also be made a depot of trade, and of the Indian Department.

To keep open the communication through the mountains, there should be at least one small post at some convenient point between the Missouri and the Columbia, and on the latter river and its tributaries, there should be at least three posts. They would afford present protection to our traders, and, on the expiration of the privilege granted to British subjects to trade on the waters of the Columbia, would enable us to remove them from our territory, and to secure the whole to our own citizens. They would also enable us to preserve peace among the Indians, and, in the event of foreign war, to command their neutrality or their assistance, as we might think most advisable.

The posts designated, might be established and maintained, at an additional annual expense not exceeding forty thousand dollars.

By extending to those posts the system of cultivation, now in operation at the Council Bluffs, the expense of supplying them would, in a few years, be greatly diminished. Mills might be erected at all the posts at a trifling expense, and, the whole country abounding in grass, all the domestic animals necessary, either for labor or subsistence, might be supported. This would render the establishment more secure, and, consequently, more formidable to the Indian nations in their vicinity.

As to the proposed posts on the Columbia, it is believed they might be supplied immediately at a low rate. Wheat may be obtained at New California, at about twenty-five cents per bushel, and beef cattle at three or four dollars each. Salt, in any quantity required, may be had at an island near the Peninsula of California. Should transportation not be readily obtained for those articles, vessels might be constructed by the troops.

To obtain the desired advantages, it is important, not only that we occupy the posts designated, but that we commence our operations without delay. The British companies are wealthy and powerful; their establishments extend from Hudson's Bay and Lake Superior to the Pacific; many of them within our territory. It is not to be supposed they would surrender those advantages without a struggle, and, though they should not engage in hostilities themselves, they might render all the Indians, in that extensive region, hostile.

The detachment intended to occupy the mouth of Columbia might leave the Council Bluffs in June, and one hundred and fifty men proceed with the boats and stores; and, as the country is open, and abounds with grass, the remaining fifty might proceed by land, with the horses intended for the transportation across the mountains, and might drive three or four hundred beeves to the Mandan villages or to the falls of Missouri; at one of those places the parties should unite and spend the winter. The latter would be preferable, because there they might be able to establish a friendly intercourse with the Blackfoot Indians, or, at all events, by impressing them with an idea of the power of the nation, restrain their depredations upon the neighboring tribes, and deter them from acts of outrage upon our traders. They might, also, during the winter, reconnoitre the several passes through the mountains, prepare provisions necessary to support them on the march, and down the Columbia; and, if authorized to do so, remove from our territories all British traders on the waters of the Missouri. They would necessarily remain at, or in the vicinity of, their wintering ground, until June, but might be occupied during the months of April and May, in opening a road to the mountains, and constructing bridges over the numerous streams on the route. This work performed, they might, in about twenty days, reach the navigable waters of Clark's river, a branch of the Columbia, and, in ten days more, prepare transportation to descend to their destination, where, after every necessary allowance for accidents and delays, they would certainly arrive by the month of August.

The vessels employed to transport the stores by sea, might leave the United States in the month of November, and would arrive at the mouth of Columbia in April, at least four months before the detachment from the Council Bluffs could reach that point; and, unless the ships should be detained during that time, which could not be expected, the stores would be exposed to damage and depredation, and perhaps, by the time the troops should arrive, would be entirely destroyed. It would, therefore, seem to me a measure of prudence, that at least one company of artillery be transported with the stores. That description of force would be found necessary at the post, and the ships would afford them ample accommodation.

That the route from the Council Bluffs to the mouth of Columbia is practicable, has been proved by the enterprise of more than one of our citizens. It, no doubt, presents difficulties; but difficulties are not impossibilities. We have only to refer to the pages of our history to learn that many operations, infinitely more arduous, have been accomplished by Americans. The march of Arnold to Quebec, or of General Clark to Vincennes, during the Revolutionary war, exceeded greatly in fatigue, privation, difficulty, and danger, the proposed operation; and I believe I may say, without fear of contradiction, that the detachment might be supplied, during the whole route, with less difficulty than in the war of 1756 was experienced in supplying the forces operating under General Washington, and General Braddock, against the French and Indians, on the Ohio.

A post at the mouth of Columbia is important, not only in relation to the interior trade, and the military defence of the western section of the Union, but, also, in relation to the naval power of the nation. Naval power consists, not in ships, but in seamen; and, to be efficient, the force must always be available. The northwest coast of America is an admirable nursery for seamen—many of our best sailors are formed there; without a naval station, however, on the Pacific, the force employed in the whale fishery, as well as in sealing, and the northwest trade, would, in the event of war, with a great maritime Power, be, in some measure, lost to the nation. But, that establishment made, it would afford a secure retreat to all our ships and seamen in that section of the globe; and the force, thus concentrated, might be used with effect against the trade, if not the fleets or possessions of the enemy, in place of being driven to the Atlantic, or perhaps captured on their way.

The establishment might be considered as a great bastion, commanding the whole line of coast to the North and South; and it would have the same influence on that line which the bastions of a work have on its curtains; for the principles of defence are the same, whether applied to a small fortress, or to a line of frontier, or even an entire section of the globe. In the one case, the missiles used are bullets and cannon shot; in the other, ships and fleets.

I have the honor to be, &c.,

TH. S. JESUP.

Hon. J. Floyd, *House of Representatives.*

INDIAN RESERVATIONS IN GEORGIA.

Mr. Forsyth, from the select committee to which was referred the President's Message of the 30th of March, 1824, relating to the execution of so much of the compact of 1802 between the United States and the State of Georgia, as relates to the extinguishment of the Indian title to lands within that State; also, a memorial of the Legislature of the said State; made a report thereon; which was read, as follows:

The select committee, to whom was referred the President's Message, of the 30th of March, with the documents accompanying it, relating to the compact of 1802, between the United States and the State of Georgia, submit to the House, on that Message, and on the memorial of the Legislature of the State of Georgia, also referred to them, the following report:

The State of Georgia claimed, on the establishment of the independence of the United States, all the lands now forming the States of Georgia, Alabama, and Mississippi, with the exception of those portions of the two last States which formed a part of Florida and Louisiana.

This claim was founded upon the charter of incorporation of the proprietary government; on the Royal commissions issued to the Governors of the State, after the proprietors had surrendered their charter to the Crown. The claim was disputed by South Carolina and by the United States. The conflicting claims of South Carolina and Georgia were adjusted by a convention between them, in 1787. The United States recognised, by the treaty with Spain of the year 1795, the claim of Georgia, having refused, in 1788, a cession from the State, on account of the remoteness of the lands, and of the terms proposed by Georgia.

In April, 1798, Congress passed a law in relation to the western part of the territory of Georgia, with a reservation of the rights of Georgia to the jurisdiction and soil.

In May, 1800, another act was passed, containing a similar reservation.

In December, 1800, Georgia remonstrated against these acts, as a violation of her right of sovereignty and soil. The compact of 1802 put an end to the disputes which were likely to arise out of this collision between the General and State Governments. By this compact, the United States obtained a surrender of the right of Georgia to the sovereignty and soil of two States, containing, by estimate, eighty-six millions of acres of land, for the paltry consideration of the payment of $1,280,000 out of the proceeds of that land, and of a promise to extinguish the Indian title to the land within the territorial limits not ceded to the United States, as soon as it could be done peaceably, and on reasonable terms. The execution of this compact produced no change in the right of Georgia to the sovereignty and soil of the land within her newly defined boundaries. Its only effect was to throw upon the United States the expense which might attend the extinguishment of the Indian title, an expense which, but for this compact, must have been borne by the State. Nor did this compact, in the slightest circumstance, add to the title of the Indians; it recognised only the claim which they, as Indians, were allowed to have, according to the usages of the States, and the liberal policy adopted towards them by the General Government.

In relation to the Cherokees, the principal topic of the President's Message, it would appear that new doctrines are permitted to be entertained of them, in the opinion of the committee neither consistent with the opinions heretofore entertained, with the practices of the Government, nor with the interests of the Union. The Cherokees claim to be an independent tribe. The President avows the belief that the articles of cession of 1802 is a full proof that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents.

The acts of the General Government, in 1814, in relation to the Creeks; the language of the President of the United States, in 1817; the language of the Secretary of War, in 1818; of the agent of the Government in that year, in treating with the Cherokees; of the agent treating with them in 1823, does not correspond with the opinions now expressed.

In 1814, General Jackson, acting under the authority of the Government, took from the Creek Indians, for an equivalent named by himself, all the land the United States chose to require, to effect a great object of national policy in regard to the Indian tribes. It cannot be alleged that this was done by virtue of conquest. The letter of the late Indian agent, Colonel Hawkins, of the 11th of August, 1815, laid before the House of Representatives on the 5th of April, 1824, shows that nearly eight millions of acres were taken from the friendly Indians, (our allies in the war,) over and above all the hunting grounds of the upper friendly Creeks, for what was called an equivalent, but which the Indians did not deem such.

In 1817, in his Message at the opening of Congress, the President says, "the hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form, and greater force of civilized population; and, of right, it ought to yield, for the earth was given to mankind to support the greatest number of which it was capable, and no tribe or people have a right to withhold, from the wants of others, more than is necessary for their own support and comfort."

In a letter of the 29th July, 1818, the Secretary of War says to Mr. McMinn, speaking of the attempts to prevent the Cherokees from going to Arkansas, "the United States will not permit the treaty to be defeated by such means. Those who choose to remain are permitted to do so in quiet—those who choose to emigrate, must be equally free." And further: "It is vain for the Cherokees to hold the high tone which they do, as to their independence as a nation, for daily proof is exhibited that, were it not for the protecting arm of the United States, they would become the victims of fraud and violence." Mr. McMinn tells the Cherokees, in conformity with this declaration, in his talk to the chiefs, of the 23d of November, 1818, "It must surely be, my brothers, that you view me as an impostor, acting upon my own authority, with a view to deceive the nation, or that you flatter yourselves with the empty expectation that the United States cannot execute a measure of general defence for the safety of her citizens, which shall, in the slightest degree, affect your interest or your wishes." The agents of 1823 assert an unqualified right in the United States to take from the Indians any of their lands for public use. It is asserted, however, by the Secretary of War, that there were treaties existing with the Cherokees, in 1802, which guarantied their lands. These guarantees were only of the Indian title, as understood by all at the date of the execution of these treaties—a title of mere occupancy, for the purposes of hunting.

The idea of title to the soil was, until lately, unknown to the Indians. Their lands were overrun by them, not inhabited; their rights not transferred, but extinguished, dependent upon the will of the power to whom the sovereignty over them belongs. This sovereign power was Georgia, prior to the adoption of the Constitution of the United States. That Constitution gave to the United States the authority to manage the affairs of the Indians, for the peace of the Union, and the eventual benefit of Georgia. The Indians had mere occupation; the United States were the agents of Georgia for the extinguishment of this allowed possession. The compact of 1802, required this to be effected out of the general fund. No act of the United States, nor of the Indians, nor of both, could, without her consent, impair the rights of Georgia to the jurisdiction and soil of the territory in question, whenever the Indians should be removed from it, by accident, by contract, or by force. This doctrine is confirmed by the decision of the Supreme Court of the United States, which has declared sales made by States, of Indian territory, valid, prior to the extinguishment of Indian title: That there is a species of seizin in fee, which enables a State to grant to individuals. In fact, the compact of 1802 is the acknowledgment of the United States of this doctrine, as their only title to the soil of Alabama and Mississippi is founded upon it. The Secretary of War, in his attention to the treaties guarantying the Indian title, has entirely omitted to notice the first and most important document in relation to this subject, the Treaty of Hopewell, of 1785—a document sustaining the opinion of the committee, and giving to it, what is now deemed important, the sanction of Indian acquiescence. The fourth article of the Treaty of Hopewell, is, "the boundary allotted to the Cherokees for their hunting grounds, is, and shall be, the following:" The Indians acknowledge, by that treaty, the United States as their sovereign; and, by the 9th article, Congress assumes, for the interest and comfort of the Indians, the power to regulate their trade, and manage all their affairs as they may deem proper. This treaty existed at the adoption of the Constitution of the United States, and Georgia, as a member of the Union, was vested with the sovereignty and soil of the Cherokee lands, subject only to the Indian right of hunting within the allotted limits, which right, the General Government was bound to extinguish as early as the general convenience would permit.

The duty of the General Government was to do all acts which would accelerate this event; to refrain from all acts which would retard it. Over the territories of the United States, the General Government could rightfully exercise unlimited power, in relation to the Indian tribes. Within a particular State, the sole power was that of agency, for the preservation of peace, the regulation of trade, and the extinguishment of title. To this general obligation, imposed by the Constitution on all the States, a special promise was added in favor of Georgia, in 1802; partially executed; but, to the complete execution of which, difficulties are alleged to exist, which require the interposition of the power of Congress.

How far this promise has been complied with, is attempted to be shown, by two documents, marked A and B, sent to Congress by the President. By the document A, it appears that the Indian title to 15,744,000 acres has been extinguished; and that there remains 10,240,000 acres yet in their possession, as hunting grounds. The first quantity is alleged to be all that could be peaceably obtained on reasonable terms.

The document No. 1, accompanying this report, will show that, since 1802, the United States have been able to obtain, for their own use, more than 30,000,000 of acres in Alabama and Mississippi, in addition to 7,633,400 obtained in 1801; to 5,006,880 obtained for Tennessee, by treaty, from the Chickasaw Indians, subsequently confirmed by a treaty with the Cherokees; 700,000 for North Carolina; and a quantity, an estimate of which is not in the hands of the committee, for South Carolina. No satisfactory explanation is afforded to show how this difference in the quantity of lands procured by the United States, for their own account, and in compliance with their promise to Georgia, has occurred.

The document B is intended to show the expense incurred in the execution of the compact of 1802. It is defective and delusive. It contains no credit for the money received at the treasury of Georgia, viz: the Yazoo fund, $184,515 94. It is omitted to be stated that the $1,250,000 was paid out of the proceeds of the property acquired. It charges the Yazoo compromise as a benefit to Georgia, who had no interest in the settlement but a common interest with the other States. The land procured for the Cherokees, on the Arkansas, is charged at the minimum value of lands surveyed and offered for sale by the United States, and not at its trifling actual cost, about twenty-five thousand dollars.

The committee are at a loss to know what bearing this defective document has on the question of the Cherokee lands. As, however, they presume it has a relation not well understood, they conceive it proper to show, by the statement No. 2, what pecuniary advantages have accrued, and will accrue, to the United States, under the compact with Georgia. By this statement, it appears that $4,512,850 23, exclusive of Mississippi stock, have been received into the public Treasury; that $6,444,821 51 are due from sales made; that the land ceded by the Indians, and not yet sold, is 27,588 800 acres, which, at the minimum price, is $34,486,000. That there remains yet, as hunting grounds for the Indians, 22,977,576 acres.

The balance of profit is sufficiently with the United States to justify contracts for the extinguishment of Indian title for the benefit of Georgia, without great scrutiny as to the amount of expense incurred. The committee agree with the Secretary of War, "that no opportunity of extinguishing the Indian title, on reasonable terms, has been neglected by the General Government," for its own use; but they do not perceive that the same zeal has been successfully exerted for the State of Georgia. The treaty of 1814, with the Creeks, was dictated by General Jackson to the Creeks, by order of the Department of War. As has been already seen, a large territory was taken from the Creeks.

The policy of the United States, as explained by the Secretary, required a separation of the tribes of Indians from each other, and from the ocean. To this policy a compliance with the promise to Georgia was sacrificed. It is alleged that the obligation to Georgia extends only to the *purchase* of lands, &c. The term purchase is an interpolation; it is not found in the articles of cession of 1802. It is alleged, also, that this land was obtained by conquest, and therefore the nation was at liberty, laying the contract with Georgia out of view, to pursue its plan of policy. Without entering into any considerations to show that the United States, having obtained, by force not used for that purpose, but defensively, the opportunity to extinguish the Indian title within the limits of Georgia, was bound, in good faith, to use it, it is deemed sufficient to refer the House to the facts, disclosed by the extract from Colonel Hawkins's letter, already quoted, that this acquisition by conquest was an acquisition of lands from friends and allies, for an equivalent named by the United States.

The propriety of accommodating the State of Georgia was suggested to the commissioner of the United States by the Indian agent; but the answer was, that the instructions of the Government would not permit a compliance with this suggestion. The committee are of opinion that an acquisition of land to Georgia, to any extent, could have been obtained from the Creeks in 1814. The attention of Congress has been called to the arrangements made with the Cherokees in 1817 and 1819. The arrangement of 1817 was for the purpose of carrying into effect the wishes of the Cherokees, as declared to Mr. Jefferson in 1808, by a deputation from the upper and lower towns. According to the preamble of the arrangement of 1817, the upper towns desired to remain fixed above the Hiwassee river, to contract their society within narrow limits, and begin the establishment of fixed laws and a regular government. The lower towns desired to continue the hunter life, and for that purpose wished to remove across the Mississippi. The wishes of the upper and lower towns were granted, and arrangements made for the removal of the latter across the Mississippi. No line was drawn between the upper and lower towns, although a request was made of the Indians that it should be done by the United States. The arrangement of 1817 provides for the fulfilment of the wishes expressed in 1808, and the promises of the Government of 1809. The wishes of the lower towns was a removal beyond the Mississippi, of the upper, a contraction of their society within narrower limits. By the 3d and 4th articles, it was agreed that a census should be taken of the population beyond the Mississippi, and of those who chose to emigrate thither; and a census of those who chose to remain in their present location, The territory occupied by them on this side of the Mississippi was to be divided according to the relative numbers of those who had migrated, and would migrate, to the remainder; and that portion which fell to the migrators was to be received by the United States in place of the lands furnished to the Cherokees beyond the Mississippi. From this plan, the extinguishment of the title of the Cherokee Indians was anticipated, and would have taken place had it been executed in its spirit by the General Government. It appears, however, that the census was never taken, and that, in 1819, a deputation of Cherokees was permitted to come to Washington to adjust, finally, the difficulties arising out of the treaty of 1817. The lower Cherokee towns, in the limits of Georgia, did not remove beyond the Mississippi. Most of the removals took place from the upper towns, out of the limits of Georgia. In place of the proportion of lands to be abandoned, according to the treaty of 1817, a fixed quantity was accepted, a very small and worthless part of which is in Georgia.

It is alleged by the Secretary of War that the desire of Government was, to have a cession in such form as would separate the Creeks and Cherokees; but that it was found impossible to induce the Cherokees to yield to that proposition, or to any other more favorable to Georgia, than that which was adopted. He does not, however, state that any other was made, with a view to comply with the compact of 1802. The proposition made for the separation of the Creeks and Cherokees, was not for the benefit of Georgia, had it been acceded to, although the interests of the State would have been more advanced than by the actual arrangement; yet, even in that case, the United States would have sacrificed the obligations of the compact to the policy of separating the Indian tribes, and to the consequent acquisition of lands for their own use in the State of Alabama. The committee cannot understand why a cession of the whole quantity of land in Georgia could not have been obtained. The obligation of the Indians was simple—a line, a boundary—and the United States had only to insist upon fixing that boundary, according to the preamble of the arrangement of 1817. The Secretary of War, however, states that the Indians will not yield, and it seems that the United States did yield. It is obvious to the committee that the interest of Georgia was considered a mere secondary object, from the terms of the arrangement of 1819. The preamble to that arrangement is a satisfactory evidence of the entire forgetfulness of the obligations of the compact of 1802.

The treaty is made in consequence of the earnest desire of a great part of the Cherokee nation to remain on this side of the Mississippi, to commence the measures necessary to the civilization and preservation of the nation. The committee are surprised that the occasion was not taken to satisfy the Indians that their continuance in Georgia was impossible, unless Georgia consented to it, and still more so, that the Indians should be encouraged, by this preamble of a treaty, made at the Seat of Government, under the eyes of the President, to entertain that expectation. The treaty of 1817, and that of 1819, show a strange forgetfulness of the limited extent of the power of the United States over the land in question. The Secretary of War, acting under the direction of the Executive Magistrate, and pursuing the example set in 1817, seems to have imagined that the United States and the Indians could do, lawfully, whatever suited their mutual convenience, without regard to the State of Georgia; an error which had been previously committed in treaties with the Creeks. No difference was made between Indian lands within the limits of the State claiming the eventual jurisdiction and soil, and the Indian lands where the soil is the property of the United States. Provisions are made, in both treaties, for vesting individuals with fee simple titles to land, and to convert them, by a short process, into citizens. The right of the United States to do either is absolutely denied by the committee. The General Government can take the property of individuals for public use, but the Constitution withholds the power even to prejudice the claims of any State. Congress can establish an uniform rule of naturalization; the Executive Magistrate cannot make, by an Indian treaty, special exceptions to the established rule. The effect of such acts on the part of the General Government was to be anticipated. The Indians were taught the value of separate property, and the advantages to be obtained by a continuance in their present position. The General Government authorized, also, the establishment of missionaries among the Cherokees, to instruct their children, and to give them a taste for the cultivation of the soil. The committee are not informed that the influence acquired by these missionaries has been exerted to induce the Indians to seek a residence beyond the Mississippi, nor are they informed that the Government has ever thought it necessary to impose upon them such a task. The committee are not to be understood as expressing any disapprobation of the policy of the United States for the civilization of the Indian tribes; they confine themselves to the policy, as it has affected the performance of the promises of the United States, under the compact of 1802. As it relates to that compact, they express their decided conviction that the attempts which have been made to civilize, and permanently fix, the Cherokees in Georgia, is in direct violation of the promise to extinguish their title, as soon as it could be done peaceably, and on reasonable terms; nor do the committee perceive the necessity of holding out the idea of permanent settlement in Georgia, as a prelude to the establishment of a regular government for the Indians. As it regards expense, it would certainly be, for the United States, the cheapest mode of effecting this object, as the cost would be paid by Georgia, and the United States would be saved from the onerous obligation of removing the Indians for the benefit of that State; a saving of expense which, however, the United States will not desire, as it involves a breach of their faith.

From the circumstances thus detailed, the House will not be surprised at the present pretensions of the Cherokees, to be regarded as independent, or their declarations, that they will neither sell nor quit the lands occupied by them. Some surprise cannot but be felt at the acquiescence of the United States in the substitution of diplomatic correspondence for Indian talks, and at the manner in which the subject of the Cherokees is presented to Congress. The Legislature of Georgia, at their last session, sent to the Chief Magistrate a memorial on the subject of the compact of 1802. The President of the United States has not laid that memorial before Congress, but has preferred to present to the Legislative body a correspondence of the Secretary of War with certain Cherokee chiefs, which begins, on their part, by a declaration that they would sell no more land; contains a request that no more appropriations should be made for that purpose; and a suggestion that the United States should, in some other way, satisfy Georgia, as, by a cession in Florida. To the formal answer of the Secretary of War, a rejoinder is given, and, on this rejoinder, Congress are informed that its power must be exerted, as it is obvious that the Executive can do nothing further without the intervention of Congress. The President has given his opinion, that the use of force would be unjust, and that without force nothing can be done. What should be done by Congress, is a subject of the most serious and important concern. The parties to the compact of 1802 anticipated the extinguishment of the Indian title to all the lands in Georgia. The United States agreed to extinguish it, as soon as it could be done peaceably, and on reasonable terms. The compact imposed upon the General Government the obligation to use all the means necessary to accomplish the end in view. It was especially their duty to refrain from doing any thing calculated even to retard, much less to render impracticable, the attainment of that end. If the committee have not deceived themselves, it must be apparent, that the United States have omitted to embrace two occasions, when a fuller performance of the conditions of the compact was in their power. It is equally apparent that the United States have not only omitted to express constantly, and with firmness, to the Cherokees, the necessity of their ultimate removal from Georgia, but have held out to them the idea of a permanent residence, as citizens, in that State; have taught them the value of their position, and intimated, that it depended upon themselves, to remain or to remove; have attempted to vest, in individuals, a permanent property in the soil. From these causes, every day increasing in their effect upon the inclination of the Cherokees, have arisen the determination of the Cherokees, as made known to the President. It is the policy of the United States which has created the difficulties; if peaceable acquisition is impossible, that impossibility is the work of the General Government.

In this state of things, encountering contradictory obligations, the course for the Government is plain and obvious. Justice should be done to Georgia. The Indian claim should be extinguished, even should force be required for that purpose; or the consent of the State must be obtained to some arrangement, which will free the United States from the embarrassments arising from its regard to the unhappy condition of the Indians, from a respect to the expectations they have erroneously permitted this tribe to entertain, and from their formal and solemn obligation to a member of the Union.

The committee do not, however, believe that any serious difficulty now exists, to the peaceable extinguishment of the Indian title, on reasonable terms. An order from the General Government for their removal, would be cheerfully acquiesced in, if accompanied by the necessary preparation for the prosperity of the tribe, and a just equivalent for the temporary inconveniences they might suffer. The committee agree with the President, that it would promote essentially the security and happiness of the tribes of Indians, if they could be prevailed on to retire beyond the limits of the States; but, they cannot see the injustice of any measure, short of actual hostility, which would essentially promote the security and happiness of the Cherokees. There is another consideration which should be brought into view; the only plausible objections to the proposed order, is its injustice, and inhumanity, to the Indians. That it is just to promote their essential security and happiness, even by means not agreeable to their wishes, cannot be denied; that it is humane to preserve them from dangers, to which they will be exposed, by an obstinate adherence to their own opinions, is equally true. Their present position is incompatible with the claims of the State of Georgia; the knowledge of the fact, that the United States will not, in consequence of the perverseness of the Cherokees, comply with the obligations of the compact of 1802, will necessarily produce irritations and resentments, the consequences of which may be easily foreseen. The United States may be under the fatal necessity of seeing the Cherokees annihilated, or of defending them against their own citizens. The committee offer to the House the following resolutions, under a full conviction that the adoption of them will not be followed by any consequences injurious to the Cherokee tribe, or to the character of the General Government for justice and humanity.

Resolved, That the United States are bound, by their obligations to Georgia, to take, immediately, the necessary measures for the removal of the Cherokee Indians beyond the limits of that State.

Resolved, That such an arrangement with the State of Georgia should be made, as may lead to the final adjustment of the claims of that State, under the compact of 1802, with the least possible inconvenience to the Cherokee and Creek Indians, within the boundary of the State.

Resolved, That the sum of —— dollars should be appropriated for the purposes expressed in the above resolutions.

Mr. **Forsyth** moved to refer the report to a Committee of the Whole on the state of the Union.

To this reference, Mr. **Allen**, of Massachusetts, objected, as giving to this subject an undue preference over other business earlier introduced into the House.

In reply to this objection, Mr. **Forsyth** said, among other things, that, if gentlemen had examined the documents connected with this report, they would have seen, that a state of irritation exists, which requires to be allayed, or it would require something stronger than resolutions of this House to allay it.

Mr. **Little** supported the reference to a Committee of the Whole on the state of the Union, as being most proper for a subject which might be considered as of national magnitude, &c.

Mr. **Allen** said his reason for objecting to this reference was, that he was unwilling that the claims of individuals, which have been long pending in this House, and were now in an advanced stage, should be postponed in order to take up a claim which has been but recently introduced into the House, and on which, until this morning, a report had not been made. The present session, he thought, was now too far advanced to go into an investigation of this new matter.

The question was then taken on Mr. **Forsyth's** motion for a reference, and decided in the affirmative—82 votes to 75.

THE TARIFF BILL.

The engrossed bill to amend the several acts for imposing duties on imports and tonnage, was then read a third time; and the question being stated, "Shall this bill pass?"

Mr. **Randolph**, of Virginia, addressed the Chair. I am, said he, practising no deception upon myself, much less upon the House, when I say that, if I had consulted my own feelings and inclinations, I should not have troubled the House, exhausted as it is, and as I am, with any further remarks upon this subject. I come to the discharge of this task, not merely with reluctance, but with disgust; jaded, worn down, abraded, I may say, as I am by long attendance upon this body, and continued stretch of the attention upon this subject. I come to it, however, at the suggestion, and in pursuance of the wishes of those whose wishes are for me in all matters touching my public duty, paramount law; I speak with those reservations, of course, which every moral agent must be supposed to make to himself.

It was not more to his surprise than to his disappointment, Mr. R. said, that, on his return to the House, after a necessary absence of a few days, on indispensable business, he found it engaged in discussing the general principle of the bill, when its details were under consideration. If he had expected such a turn in the debate he would, at any private sacrifice, however great, have remained a spectator and auditor of that discussion. With the exception of the speech, already published, of his worthy colleague on his right, (Mr. P. P. **Barbour**,) Mr. R. said, he was nearly deprived of the benefit of the discussion which had taken place. Many weeks had been occupied with this bill (he hoped the House would pardon him for saying so) before he took the slightest part in the deliberations on the details, and he now sincerely regretted that he had not had firmness enough to adhere to the resolution which he had laid down to himself in the early stage of the debate, not to take any part in the discussion of the details of the measure.* But, as he trusted, what he now had to say upon this subject, although more and better things had been said by others, might not be the same that they had said, or might not be said in the same manner, he here borrowed the language of a man who had heretofore been conspicuous in the councils of the country; of one who was unrivalled for readiness and dexterity in debate; who was long without an equal on the floor of this body; who had contributed as much to the revolution of 1801 as any man in this nation,† and had derived as little benefit from it; as, to use the words of that celebrated man, what he had to say was not that which had been said by others, and would not be said in their manner, the House would, he trusted, have patience with him during the short time that his strength would allow him to occupy their attention. And he begged them to understand, that the notes which he held in his hands were not notes on which *he* meant to speak, but of what others had spoken, and from which he would make the smallest selection in his power.

Here permit me to say, observed Mr. R., that I am obliged, and with great reluctance, to differ from my worthy colleague, who has taken so conspicuous a part in this debate, about one fact, which I will call to his recollection, for I am sure it was in his memory, though sleeping. He has undertaken to state the causes by which the difference in the relative condition of various parts of the Union has been produced; but my worthy colleague has omitted to state the *primum mobile* of the commerce and manufactures to which a portion of the country I need not name owes its present prosperity and wealth. That *primum mobile* was Southern capital. I speak now not of transactions *quorum pars minima fui*, but of things of which, nevertheless, I have a contemporaneous recollection. I say, without the fear of contradiction, then, that, in consequence of the enormous depreciation of the evidences of the public debt of this country—the debt proper of the United States (to which must be added an item of not less than twenty millions of dollars, for the State debts assumed by the United States) being bought up and almost engrossed by the people of what were then called the Northern States—a measure which nobody dreamt any thing about, or which nobody had the slightest suspicion—I mean the assumption of the State debts by the Federal Government; these debts being bought up for a mere song, a capital cf eighty millions of dollars, or, in other words, a credit to that amount, bearing an interest of six per cent. per annum, (with the exception of nineteen millions, the interest of that debt, which bore an interest of three per cent.,) (see *note* 2, *Appendix*)—a capital of eighty millions of dollars was poured, in a single day, into the coffers of the North; and to *that* cause we may mainly ascribe the difference so disastrous to the South, between that country and the other portion of this Union, to which I have alluded. When we, said Mr. R., roused by the sufferings of our brethren of Boston, entered into the contest with the mother country, and when we came out of it—when this Constitution was adopted, *we* were comparatively rich—*they* were positively poor. What is now our relative situation? They are flourishing and rich; we are tributary to them, not only through the medium of the public debt of which I have spoken, but also through the medium of the pension list, nearly the whole amount of which is disbursed in the Eastern States; and to this creation of a day is to be ascribed the difference of our relative situation, (I hope my worthy colleague will not consider any thing that I say as conflicting with his general principles, to which I heartily subscribe.) (*Note* 3, *of Appendix.*) Yes, sir, and the price paid for the creation of all that portion of this capital, which consisted of the assumed debts of the States, was the *immense* boon of fixing the Seat of Government where it now is. And I advert to this bargain, because I wish to show to every member of this House, and, if it were possible, to every individual of this nation, the most tremendous and calamitous results of political bargaining.

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*By so doing, many of Mr. R.'s strongest objections to the bill were in a manner dissipated, there being no report of these skirmishes. Some of them, with which he thought it indecent again to trouble the House, will be found (substantially) appended to this speech.

†See note 1, Appendix.

Sir, when are we to have enough of this Tariff question? In 1816 it was supposed to be settled. Only three years thereafter, another proposition for increasing it was sent from this House to the Senate, *baited* with a tax of four cents per pound on brown sugar. It was, fortunately, rejected in that body. In what manner *this bill* is baited it does not become me to say; but I have too distinct a recollection of the vote in Committee of the Whole, on the duty upon molasses, and afterwards of the vote in the House on the same question; of the votes of more than one of the States on that question, not to mark it well. I do not say that the change of the vote on that question was effected by any man's *voting* against his own motion, but I do not hesitate to say that it was effected by one man's electioneering against his own motion. I am very glad, Mr. Speaker, that old Massachusetts Bay, and the Province of Maine and Sagadahock, by whom we stood in the days of the Revolution, now stand by the South, and will not aid in fixing on us this system of taxation, compared with which the taxation of Mr. Grenville and Lord North was as nothing. I speak with knowledge of what I say, when I declare, that this bill is an attempt to reduce the country South of Mason and Dixon's line, and East of the Allegany mountains, to a state of worse than colonial bondage; a state to which the domination of Great Britain was, in my judgment, far preferable; and I trust I shall always have the fearless integrity to utter any political sentiment which the head sanctions and the heart ratifies; for the British Parliament never would have dared to lay such duties on our imports, or their exports to us, either "*at home*" or here, as is now proposed to be laid upon the imports from abroad. At that time we had the command of the market of the vast dominions then subject, and we should have had those which have since been subjected to the British empire; we enjoyed a free trade, eminently superior to any thing we can enjoy if this bill shall go into operation. It is a sacrifice of the interests of a part of this nation to the ideal benefit of the rest. It marks us out as the victims of a worse than Egyptian bondage. It is a barter of so much of our rights, of so much of the fruits of our labor, for political power to be transferred to other hands. It ought to be met, and I trust it will be met, in the southern country, as was the Stamp act, and by all those measures, which I will not detain the House by recapitulating, which succeeded the Stamp act, and produced the final breach with the mother country, which it took about ten years to bring about; as I trust in my conscience, it will not take as long to bring about similar results from this measure, should it become a law.

All policy is very suspicious, says an eminent statesman, that sacrifices the interest of any part of the community to the ideal good of the whole; and those governments only are tolerable where, by the necessary construction of the political machine, the interest of all the parts are obliged to be protected by it. Here is a district of country extending from the Patapsco to the Gulf of Mexico, from the Allegany to the Atlantic, a district which, taking in all that part of Maryland lying south of the Patapsco and east of Elk river, raises five-sixths of all the exports of this country that are of home growth—I have in my hand the official statements, which prove it, but which I will not weary the House by reading, (*see Appendix, note* 4,)—in all this country. Yes, sir, and I bless God for it; for, with all the fantastic and preposterous theories about the rights of man, (the *theories*, not the rights themselves, I speak of,) there is nothing but power that can restrain power—I bless God that, in this insulted, oppressed, and outraged region, we are, as to our counsels in regard to this measure, but as one man; that there exists on the subject but one feeling and one interest. We are proscribed, and put to the ban; and if we do not feel, and feeling do not act, we are bastards to those fathers who achieved the Revolution; then shall we deserve to make our bricks without straw. There is no case on record in which a proposition like this, suddenly changing the whole frame of a country's polity, tearing asunder every ligature of the body politic, was ever carried by a lean majority of two or three votes, unless it be the usurpation of the Septennial act, which passed the British Parliament by, I think, a majority of one vote, the same that laid the tax on cotton bagging. I do not stop here, sir, to argue about the constitutionality of this bill; I consider the Constitution a dead letter; I consider it to consist, at this time, of the power of the General Government and the power of the States—that is the Constitution. You may intrench yourself in parchment to the teeth, says Lord Chatham, the sword will find its way to the vitals of the Constitution. I have no faith in parchment, sir; I have no faith in the abracadabra of the Constitution; I have no faith in it. I *have* faith in the power of that Commonwealth, of which I am an unworthy son; in the power of those Carolinas, and of that Georgia, in her ancient and utmost extent, to the Mississippi, which went with us through the valley of the shadow of death, in the war of our independence. I have said that I shall not stop to discuss the constitutionality of this question, for that reason, and for a better; that there never was a constitution under the sun, in which, by an unwise exercise of the powers of the government, the people may not be driven to the extremity of resistance by force. "For it is not, perhaps, so much ‘by the assumption of unlawful powers, as by the ‘unwise or unwarrantable use of those which are ‘most legal, that governments oppose their true ‘end and object; for there is such a thing as ty‘ranny as well as usurpation." If, under a power to regulate trade, you prevent exportation; if, with the most approved spring lancets, you draw the last drop of blood from our veins; if, *secundum artem*, you draw the last shilling from our pockets, what are the checks of the Constitution to us? A fig for the Constitution! When the scorpion's sting is probing us to the quick, shall we stop to chop logic? Shall we get some learned and cunning clerk to say whether the power to do this is to be found in the Constitution, and then, if he, from whatever motive, shall maintain the affirmative, like the animal whose fleece forms so material a portion of this bill, quietly lie down and be shorn?

Sir, events now passing elsewhere, which plant a thorn in my pillow and a dagger in my heart, admonish me of the difficulty of governing with sobriety any people who are over head and ears in debt. That state of things begets a temper which sets at naught every thing like reason and common sense. This country is unquestionably laboring under great distress, but we cannot legislate it out of that distress. We may, by your legislation, reduce all the country south and east of Mason and Dixon's line, the whites as well as the blacks, to the condition of Helots—you can do no more. We have had placed before us, in the course of this discussion, foreign examples and authorities; and among other things, we have been told, as an argument in favor of this measure, of the prosperity of Great Britain. Have gentlemen taken into consideration the peculiar advantages of Great Britain? Have they taken into consideration that, not excepting Mexico, and that fine country which lies between the Orinoco and the Caribbean sea, England is decidedly superior in point of physical advantages to every country under the sun? This is unquestionably true. I will enumerate some of those advantages. First, there is her climate. In England, such is the temperature of the air, that a man can there do more days' work in the year, and more hours' work in the day, than in any other climate in the world; of course I include Scotland and Ireland in this description. It is in such a climate only, that the human animal can bear without extirpation the corrupted air, the noisome exhalations, the incessant labor of these accursed manufactories. Yes, sir, accursed; for I say it is an accursed thing, which I will neither taste, nor touch, nor handle. If we were to act here on the English system, we should have the yellow fever at Philadelphia, New York, &c., not in August merely, but from June to January, and from January to June. The climate of this country alone, were there no other natural obstacle to it, says aloud, you shall not manufacture! Even our tobacco factories, admitted to be the most wholesome of any sort of factories, are known to be, where extensive, the very nidus (if I may use the expression,) of yellow fever and other fevers of similar type. In another of the advantages of Great Britain, so important to her prosperity, we are almost on a par with, her if we knew how properly to use it. *Fortunatos nimium sua si bona norint*—for, as regards defence, we are, to all intents and purposes, almost as much an island as England herself. But *one* of her insular advantages *we* can never acquire. Every part of that country is accessible from the sea. There, as you recede from the sea, you do not get further from the sea. I know that a great deal will be said of our majestic rivers, about the father of floods, and his tributary streams; but with the Ohio frozen up all the Winter, and dry all the Summer, with a long, tortuous, difficult, and dangerous navigation thence to the ocean, the gentlemen of the West may rest assured that they will never derive one particle of advantage, from even a total prohibition of foreign manufactures. You may succeed in reducing *us* to your own level of misery; but, if we were to *agree* to become your slaves, you never can derive one farthing of advantage from this bill. What parts of this country can derive any advantage from it? Those parts only, where there is a water power in immediate contact with navigation, such as the vicinities of Boston, Providence, Baltimore, Richmond, &c. Petersburg is the last of these as you travel south[*] You take a bag of cotton up the river to Pittsburg, or to Zanesville, to have it manufactured and sent down to New Orleans for a market, and before your bag of cotton has got to the place of manufacture, the manufacturer of Providence has received his returns for the goods made from his bag of cotton purchased at the same time that you purchased yours. No, sir; gentlemen may as well insist that because the Chesapeake bay, *mare nostrum*, our Mediterranean sea, gives us every advantage of navigation, we shall exclude from it every thing but steamboats and those boats called *kat' exochen*, *per emphasin*, *par excellence*, Kentucky boats—a sort of huge, square, clumsy wooden box. And why not insist upon it? Hav'nt you "the power to regulate commerce?" Would not that, too, be a "regulation of commerce?" It would, indeed, and a pretty regulation it is; and so is this bill. And, sir, I marvel that the representation from the great commercial State of New York should be in favor of this bill. If operative—and if inoperative why talk of it?—if operative, it must, like the embargo of 1807, '8, '9, transfer no small portion of the wealth of the London of America, as New York has been called, to Quebec and Montreal. She will receive the most of her imports from abroad, down the river. I do not know any bill that could be better calculated for Vermont than this bill; because, through Vermont, from Quebec, Montreal, and other positions on the St. Lawrence, we are, if it passes, unquestionably to receive our supplies of foreign goods. It will, no doubt, also, suit the Niagara frontier.

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[*] Petersburg is the last of these situations combining navigation and water power, as you travel southward from Boston to New Orleans.

But, sir, I must not suffer myself to be led too far astray from the topic of the peculiar advantages of England as a manufacturing country. Her vast beds of coal are inexhaustible; there are daily discoveries of quantities of it, greater than ages past have yet consumed; to which beds of coal her manufacturing establishments have been transferred, as any man may see who will compare the present population of her towns with what it was formerly. It is to these beds of coal that Birmingham, Manchester, Wolverhampton, Sheffield, Leeds, and other manufacturing towns, owe their growth. If you could destroy her coal in one day, you would cut at once the sinews of her power. Then there are her metals, and particularly tin, of which she has the exclusive monopoly. Tin, I know, is to be found in Japan, and perhaps elsewhere, but, in practice, England has now the monopoly of that article. I might go further, said Mr. R., and I might say that England possesses an advantage, *quo ad hoc*, in her institutions; for *there* men are compelled to pay their debts. But, *here*, men are not only not compelled to pay their debts, but they are protected in the refusal to pay them, in the scandalous evasion of their legal obligations; and, after being convicted of embezzling the public money, and the money of others, of which they were the appointed guardians and trustees, they have the impudence to obtrude their unblushing fronts into society, and elbow honest men out of their way! There, though all men are on a footing of equality on the highway, and in the courts of law, at mill and at market, yet the castes in Hindostan are not more distinctly separated one from the other than the different classes of society are in England. It is true, that it is practicable for a wealthy merchant or a manufacturer, or his descendants, after having, through two or three generations, washed out what is considered the stain of their original occupation, to emerge, by slow degrees, into the higher ranks of society; but this rarely happens. Can you find men of vast fortune, in this country, content to move in the lower circles—content as the ox under the daily drudgery of the yoke? It is true that, in England, some of these wealthy people take it into their heads to buy seats in Parliament; but, when they get there, unless they possess great talents, they are mere nonentities; their existence is only to be found in the Red Book, which contains a list of the members of Parliament. Now, sir, I wish to know, if, in the Western country, where any man may get beastly drunk for three pence sterling—in England, you cannot get a small wineglass of spirits under twenty-five cents; one such drink of grog as I have seen swallowed in this country would there cost a dollar;—in the Western country, where every man can get as much meat and bread as he can consume, and yet spend the best part of his days, and nights too, perhaps, on the tavern benches, or loitering at the cross-roads asking the news,—can you expect the people of such a country, with countless millions of wild land and wild animals besides, can be cooped up in manufacturing establishments, and made to work sixteen hours a day, under the superintendence of a driver—yes, a driver, compared with whom a Southern overseer is a gentleman and man of refinement; for, if they do not work, (these work people in the manufactories,) they cannot eat; and, among all the punishments that can be devised, (put death, even, among the number,) I defy you to get as much work out of a man by any of them, as when he knows that he must work before he can eat.

But, sir, if we follow the example of England, in one respect, as we are invited to do, we must also follow it in another. If we adopt her policy, we must adopt her institutions also. Her policy is the result of her institutions, and our institutions must be, as the result of our policy, assimilated to her's. We cannot adopt such an exterior system as that of England, without adopting also her interior policy. We have heard of her wealth, her greatness, her glory; but her eulogist is silent about the poverty, wretchedness, misery, of the lowest orders. Show me the country, say gentlemen, which has risen to glory without this system of bounties and protection on manufactures! Sir, show *me* any country, beyond our own, which has risen to glory or to greatness without an established church, or without a powerful aristocracy, if not an hereditary nobility. I know no country in Europe, except Turkey, without hereditary nobles. Must we, too, have these Corinthian ornaments of society, because those countries of greatness and glory have given in to them? But, after we shall have destroyed all our foreign trade; after we shall have, by the prevention of imports, cut off exports—thus keeping the promise of the Constitution to the ear, and breaking it to the hope—paltering with the people in a double sense,—after we shall have done this, we are told, "we shall *only* have to resort to an *excise;* we have only to *change* the *mode* of collection of taxes from the people; both modes of taxation are *voluntary.*" Very voluntary! The exciseman comes into my house; searches my premises; respects not even the privacy of female apartments; measures, gauges, and weighs every thing; levies a tax upon every thing; and then tells me the tax is a voluntary one on my part, and that I am or ought to be content. "Yes, voluntary," as Portia said to Shylock, when she played the judge so rarely—"Art thou content, Jew? Art thou content?"

These taxes, however, it seems, are voluntary, "as being altogether upon consumption." By a recent speech on this subject, the greater part of which, said Mr. R., I was so fortunate as to hear, I learn that there have been only two hundred capital prosecutions in England, within a given time, for violations of the revenue laws. Are we ready, if one of us, too poor to own a saddle-horse, should borrow a saddle and clap it on his plough-horse, to ride to church or court or mill or market, to be taxed for a surplus saddle-horse, and surcharged for having failed to list him as such? Are gentlemen aware of the inquisitorial, dispensing, arbitrary, and almost Papal power, of the Commissioners of Excise? I shall not stop to go into a detail of them; but I never did expect to hear it said, on this floor, and by a gentleman from Kentucky, too, that the excise system was a mere scarecrow—a bugbear—that the sound of the words constituted all the difference between a system of excise and a system of customs; that both meant the same thing. "Write them together; your's is as fair a name. Sound them; it doth become the mouth as well." Here, sir, I must beg leave to differ; I do not think it does. "Weigh them; it is as *heavy*." That I grant. "Conjure with them"—excise "will start a *spirit* as soon as *customs*.

This I verily believe, sir, and I wish, with all my heart, if this bill is to pass—if new and unnecessary burdens are to be wantonly imposed upon the people—that we were to return home with the blessed news of a tax or excise, not less by way of "minimum," than fifty cents per gallon upon whiskey. And here, if I did not consider an exciseman to bear, according to the language of the old law books, *caput lupinum*, and that it was almost as meritorious to shoot such a hell-hound of tyranny, as to shoot a wolf or a mad dog—and, if I did not know that any thing like an excise in this country is in effect utterly impracticable, I myself, feeling, seeing, blushing for my country, would gladly vote to lay an excise on this abominable liquor, the lavish consumption of which renders this the most drunken nation under the sun; and yet, we have refused to take the duties from wines, from cheap French wines particularly, that might lure the dog from his vomit, and lay the foundation of a reformation of the public manners. Sir, an excise system can never be maintained in this country. I had as lief be a tythe-proctor in Ireland, and met on a dark night in a narrow road by a dozen white-boys, or peep-of-day boys, or hearts of oak, or hearts of steel, as an exciseman in the Alleghany mountains, met, in a lonely road, or by-place, by a backwoodsman, with a rifle in his hand. With regard to Ireland, the British chancellor of the exchequer has been obliged to reduce the excise in Ireland on distilled spirits, to comparatively nothing to what it was formerly, in consequence of the impossibility of collecting it in that country. Ireland is, not to speak with statistical accuracy, about the size of Pennsylvania, containing something like twenty-five thousand square miles of territory, with a population of six millions of inhabitants, nearly as great a number as the whole of the white population of the United States; with a standing army of 20,000 men; with another standing army, composed of all those classes in civil life, who, through the instrumentality of that army, keep the wretched people in subjection—under all these circumstances, even in Ireland, the excise cannot be collected. I venture to say, that no army that the earth has ever seen—not such an one as that of Bonaparte, which marched to the invasion of Russia—would be capable of collecting an excise in this country—not such an one as that described, if you will allow me to give some delightful poetry in exchange for very wretched prose, as Milton has described:

> "Such forces met not, nor so wide a camp,
> When Agrican, with all his northern powers,
> Besieged Albracca, as romances tell,
> The city of Calliphrone, from whence to win
> The fairest of her sex, Angelica,
> His daughter, sought by many prowest knights,
> Both Paynim and the Peers of Charlemagne."

Not such a force, nor even the troops with which he compares them, which were no less than "the legion fiends of hell," could collect an excise here. If any officer of our Government were to take the field a still-hunting, as they call it in Ireland, among our Southern or Western forests and mountains, I should like to see the throwing off the hounds. I have still enough of the sportsman about me, that I should like to see the breaking cover; and, above all, I should like to be in at the death.

And what, said Mr. R., are we now about to do? For what was the Constitution formed? To drive the people of any part of this Union from the plough to the distaff? Sir, the Constitution of the United States never would have been formed, and if formed, would have been scouted, *una voce*, by the people, if viewed as a means for effecting purposes like this. The Constitution was formed for external purposes, to raise armies and navies, and to lay uniform duties on imports, to raise a revenue to defray the expenditure for such objects. What are you going to do now? To turn the Constitution wrong side out; to abandon foreign commerce and exterior relations—I am sorry to use this Frenchified word—the foreign affairs, which it was established to regulate, and convert it into a municipal agent, to carry a sys, tem of espionage and excise into every log house in the United States. We went to war with Great Britain for free trade and sailors' rights; we made a treaty of peace in which I never could, with the aid of my glasses, see a word about either the one or the other of these objects of contention; we are now determined never to be engaged in another for such purposes; for we are, ourselves, putting an end to them. And, by the way of comfort in this state of things, we have been told, by the doctor as well as by the apothecary, that much cannot be immediately expected from this new scheme; that years will pass away before its beneficial effects will be fully realized. And to whom is this told? To the consumptive patient it is said—here is the remedy; persevere in it *for a few years*, and it will infallibly cure your disorder; and this infallible remedy is prescribed for pulmonary consumption, which is an opprobrium of physicians, and has reached a stage that, in a few months, not to say days, must inevitably terminate the existence of the patient. This is to be done, too, on the plea that the people who call for this measure are already ruined. I will do any thing, sir, in reason, to relieve these persons; but I can never agree, because they are ruined, and we are half ruined only, that we shall be entirely ruined, for the contingent possibility of their relief. We have no belief in this new theory—new, for it came in with the French revolution, and that is of modern date—of the transfusion of blood from a healthy animal to a sick one: and, if there is to be such a transfusion for the benefit of these ruined persons now, we refer the gentlemen to bulls and goats for supplies of blood, for we should be the veriest asses to permit them to draw our own.

We are told, however, that we have nothing to do but to postpone the payment of the public debt for a few years, and wait for an accumulation of wealth, for a new run of luck—

"Rusticus expectat dum defluet omnis et ille
"Labitur et labitur in omne volubilis ævum."

This postponement of the public debt is no novelty. All debts are, now-a-days, as old Lilly hath it, in the future in *rus*, "about to be" paid. We have gone on postponing paying the national debt, and our own debts, until individual credit is at an end; until property, low as it is reduced in price by our fantastic legislation, can no longer be bought but for ready money. Here is one, and there the other. I am describing a state of society which I know to exist in a part of the country, and which I hear, with concern, does exist in a greater degree, in a much larger portion of the country, than I pretend to be personally acquainted with.

In all beneficial changes in the natural world—and the sentiment is illustrated by one of the most beautiful effusions of imagination and genius that I ever read—in all those changes, which are the work of an all-wise, all-seeing, and superintending providence, as in the insensible gradation by which the infant bud expands into manhood, and from manhood to senility; or, if you will, to caducity itself—you find nature never working but by gradual and imperceptible changes; you cannot see the object move, but take your eye from it for a while, and like the index of that clock, you can see that it has moved. The old proverb says, God works good, and always by degrees. The devil, on the other hand, is bent on mischief, and always in a hurry. *He* cannot stay: his object is mischief, which can best be effected suddenly, and he must be gone to work elsewhere. But we have the comfort, under the pressure of this measure, that at least no force is exercised upon us; we are not obliged to buy goods of foreign manufacture. It is true, sir, that gentlemen have not said you shall not send your tobacco or cotton abroad; but they have said the same thing, in other words; by preventing the importation of the returns which we used to receive, and without which, the sale or exchange of our produce is impracticable, they say to us, you shall sell only to us, and we will give you what we please; you shall buy only of us, but at what price we please to ask. But no force is used! You are at full liberty not to buy or to sell. Sir, when an English Judge once told a certain curate at Brentford, that the court of chancery was open equally to the rich and the poor, Horne Tooke replied, "so, my lord, is the London Tavern." You show a blanket or a warm rug to a wretch that is shivering with cold, and tell him you shall get one no where else, but you are at liberty not to buy mine.

No Jew, who ever tampered with the necessities of a profligate young heir, lending him money at an usury of cent. per cent., ever acted more paternally than the advocates of this bill, to those upon whom it is to operate. I advise you, young man, for your good, says the usurer. I do these things very reluctantly, says Moses—these courses will lead you to ruin. But, no *force*—no sir, no force short of Russian despotism, shall induce me to purchase, or, knowing it, to use any article from the region of country which attemps to cram this bill down our throats. On this, we of the South are resolved, as were our fathers about the tea, which they refused to drink; for this is the same old question of the stamp act in a new shape, viz: whether they, who have no common feeling with us, shall impose on us, not merely a burdensome but a ruinous tax, and that, by way of experiment and sport. And I say again, if we are to submit to such usurpations, give me George Grenville, give me Lord North for a master. It is in this point of view that I most deprecate the bill. If, said Mr. R., from the language I have used, any gentleman shall believe I am not as much attached to this Union as any one on this floor, he will labor under great mistake. But there is no magic in this word *union*. I value it as the means of preserving the liberty and happiness of the people. Marriage itself is a good thing, but the marriages of Mezentius were not so esteemed. The marriage of Sinbad, the sailor, with the corse of his deceased wife, was an union, and just such an union will this be, if, by a bare majority in both Houses, this bill shall become a law. And, I ask, sir, whether it will redound to the honor of this House, if this bill should pass, that the people should owe their escape to the act of any others rather than to us? Shall we, when even the British Parliament are taking off taxes by wholesale—when all the assessed taxes are diminished fifty per cent.—when the tax on salt is reduced seven-eighths, with a pledge that the remainder shall come off, and the whole would have been repealed, but that it was kept on as a salvo for the wounded pride of Mr. Chancellor of the Exchequer,* who, when asked—why keep on this odious tax, which brings but a paltry hundred and fifty thousand per annum? answered, by subterfuge and evasion, as I have heard done in this House, and drew back upon his resources, his majority—how will it answer for the people to look up for their escape from oppression, not to their immediate Representatives, but to the Representatives of the States, or, possibly, to the Executive? And, permit me here to say, and I say it freely, because it is true, that I join as heartily as any man, in reprehending "the cold, ambiguous support of the Executive Government to this bill." I do not use my own words; I deprecate as much as any member of this House can do, that the Executive of this country should lend to this bill, or to any other bill, a cold and ambiguous support, or support of any sort, until it come before him in the shape of a law, unless it be a measure which he, in his Constitutional capacity, may have invited Congress to pass. I may be permitted to say, and I will say, that, in case this bill should be unhappily presented to him for his signature, and as an allusion has been made to him in debate, I presume I may repeat it,—I hope he will recollect how much the country that gave him birth has done for him, and the little, not to say worse than nothing, that, during his administration he has done for her. I hope, sir, he will scout the bill as contrary to the genius of our Government, to the whole spirit and letter of our confederation—I say of our confederation—Blessed be God, it is a confederation, and that it contains within itself the redeeming power which has more than once been exercised—and that it contains within itself the seeds of preservation, if not of this Union, at least of the individual Commonwealths of which it is composed.

But, sir, not satisfied with an appeal to the example of Great Britain, whom we have been content hitherto very seduously to censure and to imitate—as I once heard a person say that it was absolutely necessary for persons of a peculiar character to be extremely vehement of censure of the very vice of which they are themselves guilty—the example of Russia has been introduced, the very last, I should suppose, that would be brought into this House on this or any other question. A gentleman from South Carolina (Mr. POINSETT,) whose intelligence and information I very much respect, but the feebleness of whose voice does not permit him to be heard as distinctly as could be wished, remarked the other day, and, having it on my notes, I will, with his leave, repeat it—Russia is cursed with a paper money, which, in point of depreciation and its consequent embarrassment to her, can boast of no advantage, I believe, even over that of that of Kentucky—so cursed, that it is impossible, until her circulation is restored to a heathful state, she can ever take her station as a commercial or manufacturing nation, to any extent. Nay, more, Russia, with the exception of a few of her provinces, consists, like the interior of America, of a vast inland continent, desolated and deformed by prairies, or steppes, as they are there called, inhabited by a sparse population; and, as an appeal has been made to experience, said Mr. R., I ask any gentleman to show me an instance of any country under the sun that has, under these circumstances, taken a stand as a manufacturing or great commercial nation. These great rivers and inland seas cut a mighty figure on the map, but, when you come to consider of capacities for foreign commerce, how unlike the insular situation of Great Britain, or the peninsular situation of almost the whole continent of Europe—surrounded or penetrated as it is by inland seas and gulfs! May I be pardoned for adverting to the fact—I know that comparisons are extremely odious—that, when we look to Salem and Boston, to parts of the country where skill, and capital, and industry, notoriously exist, we find opposition to this bill; and that, when we look to countries which could sooner build one hundred pyramids, such as that of Cheops, than manufacture one cambric needle, or a paper of White Chapel pins, or a watch-spring, we hear a clamor about this system for the protection of manufactures. The merchants and manufacturers of Massachusetts, New Hampshire, the Province of Maine, and Sagadahock repel this bill, whilst men in hunting shirts, with deer-skin leggings and moccasins on their feet, want protection for manufactures—men with rifles on their shoulders, and long knives in their belts, seeking in the forests to lay in their next Winter's supply of bearmeat. But it is not there alone the cry is heard. It is at Baltimore—decayed, deserted Baltimore, whose exports have more than one-half decreased, whilst those of Boston have four times increased—it is decayed and deserted Baltimore that comes here and asks us for the protection of those interests which have grown up during the late war—privateering among the number, I presume. Philadelphia, too, in a state of atrophy, asks for the measure—Philadelphia, who never can, pass what bill you please, have a foreign trade to any great amount, or become a great manufacturing town, for which she wants all the elements of climate, coal, and capital—this city, now over built, swoln to the utmost extent of the integument, and utterly destitute of force or weight in the Union, wants this bill for the protection of the domestic industry of her free blacks, I presume. New York, too, is now willing to build up Montreal and Quebec at her expense—to convert the Hudson into a theatre for rival disputants about steamboats in the courts below stairs, and for them, and such as them, with a coasting license, to ply upon. The true remedy, and the only one, for the iron manufacturer of Pennsylvania, who has nothing but iron to sell, and that, they tell us, is worth nothing, would be to lay on the table of this House a declaration of war in blank, and then go into a Committee of the Whole, to see what nation in the world it would be most convenient to go to war with—for, fill the blank with the name of what Power you please, it must be a sovereign State, and, though it have not a seaman or a vessel in the world, its commissions are as good and valid in an admiralty court, as those of the Lord High Admiral of Great Britain. In this way you will put our furnaces in blast, and your paper mills into full operation; and many, very many, who, during the last war, transported flour on horseback for the supply of your army, at the cost of an hundred dollars per barrel, and who have since transported provisions in steamboats up and down the Missouri river—very many such individuals would thus be taken out of the very jaws of bankruptcy and lifted up to opulence, at the expense of that people, at whose expense, also, you are now about to enable these iron manufacturers to fill their pockets. New England does not want this bill. Connecticut, indeed, molasses having been thrown overboard to lighten the ship, votes for this bill. A word in the ear of the land of steady habits—I voted against that tax, on the principle, which has always directed my public life, not to compromise my opinions—not to do evil that good may come of it—let me tell the land of steady habits, that, after this bill shall be fairly off the shore; after we shall have cleared decks and made ready for action again; after she shall have imposed on me the onerous burden of this bill, she shall have the benefit of my vote to put on again this duty on molasses—not at this day—this is not the last tariff measure; for, in less than five years, I would, if I were a betting man, wager any odds that we have another tariff proposition, worse by far than that, amendments to which gentlemen had strangled yesterday by the bow-string of the previous question. Fair dealing leads to safe counsels and safe issues. There is a certain left-handed wisdom, that often overreaches its own objects, which grasps at the shadow and lets go the substance. We shall not only have this duty on molasses, I can tell the gentlemen from Connecticut, but we shall have, moreover, an additional bounty on intoxication by whiskey, in the shape of an additional duty on foreign distilled spirits.

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* It is a subject of much regret to me, that, at this time, I had not had the benefit of the very able speech of his successor in office, (Mr. Robinson,) which reached the United States a few days after. It ought to be reprinted in every leading paper in the Union. With the good sense, liberality, manliness, and good faith, which characterize the whole speech, he states that Government is pledged to the abolition of the small remnant of the salt tax; and, if insisted on by the Opposition, the pledge shall be redeemed. He suggests, however, the policy of substituting some other reduction in lieu of the small tax now payable on salt, which he conceives to be as little burdensome, at its present reduced rate, as any other, and more easy of collection.

The ancient Commonwealth of Virginia, one of whose unworthy sons, and more unworthy representatives, I am, said Mr. R., must now begin to open her eyes to the fatal policy which she has pursued for the last forty years. I have not a doubt, that they who were the agents for transferring her vast, and boundless, and fertile country to the United States, with an express stipulation, in effect, that not an acre of it should ever inure to the benefit of any man from Virginia, were as respectable, and kind hearted, and hospitable, and polished, and guileless Virginia gentlemen, as ever were cheated out of their estates by their overseers; men who, so long as they could command the means, by sale of their last acre, or last negro, would have a good dinner, and give a hearty welcome to whomsoever chose to drop in, to eat, friend or stranger, bidden or unbidden. What will be the effect of this bill on the Southern States? The effect of this policy is, what I shudder to look at; the more, because the next census is held up *in terrorem* over us. We are told, you had better consent to *this*—we are not threatened exactly with General Gage and the Boston Port bill—but we are told by gentlemen, we shall, after the next census, so saddle, and bridle, and *martingale* you, that you will be easily regulated by any bit, or whip, however severe, or spurs, however rank, of domestic manufacture, that we choose to use. But this argument, sir, has no weight in it with me. I do not choose to be robbed now, because, after I am once robbed, it will become easier to rob me again. *Obsta principiis*, is my maxim—because every act of extension of the system operates in a two-fold way, decreasing the strength and means of the robbee, and increasing those of the robber. This is as true as any proposition in mathematics. Gentlemen need not tell us, we had better give in at once. No, sir, we shall not give in; no, we shall hold out—we shall not give in. We do not mean to be threatened out of our rights by the menace of another census. We are aware of our folly, and it is our business to provide against the consequences of it, but not in this way. When I recollect, that the tariff of 1816 was followed by that of 1819-'20, and that by this measure of 1823-'24, I cannot believe that we are, at any time hereafter, long to be exempt from the demands of those sturdy beggars, who will take no denial. Every concession does but render every fresh demand and new concession more easy. It is like those dastard nations who vainly think to buy peace. When I look back to what the country of which I am a representative was, and when I see what it is—when I recollect the expression of Lord Cornwallis, applied to Virginia, "that great and unterrified colony," which he was about to enter, not without some misgivings of his mind as to the result of the invasion—when I compare what she was when this House of Representatives first assembled in the city of New York, and what she now is, I know, by the disastrous contrast, that her councils have not been governed by statesmen. They might be admirable professors of a university, powerful dialecticians *ex cathedra*, but no sound counsels of wise statesmen could ever lead to such practical ill results as are exhibited by a comparison of the past and present condition of the ancient colony and dominion of Virginia.

In the course of this discussion, said Mr. R., I have heard, I will not say with surprise, because *nil admirari* is my motto—no doctrine that can be broached on this floor can ever, hereafter, excite surprise in my mind—I have heard the names of Say, Ganilh, Adam Smith, and Ricardo, pronounced, not only in terms, but in a tone, of sneering contempt, as visionary theorists, destitute of practical wisdom, and the whole clan of Scotch and Quarterly reviewers lugged in to boot. This, sir, is a sweeping clause of proscription. With the names of Say, Smith, and Ganilh, I profess to be acquainted, for I too, am versed *in title pages*, but I did not expect to hear, in this House, a name, with which I am a little further acquainted, treated with so little ceremony, and by whom? I leave Adam Smith to the simplicity, and majesty, and strength of his own native genius which has canonized his name—a name which will be pronounced with veneration, when not one name in this House will be remembered. But, one word as to Ricardo, the last mentioned of those writers—a new authority, though the grave has already closed upon him, and set its seal upon his reputation. I shall speak of him in the language of a man of as great a genius as this, or perhaps any, age has ever produced—a man remarkable for the depth of his reflections and the acumen of his penetration. "I had been led," says this man, "to look into loads of books—my understanding had for too many years been intimate with severe thinkers, with logic, and the great masters of knowledge, not to be aware of the utter feebleness of the herd of modern economists. I sometimes read chapters from more recent works, or part of Parliamentary debates. I saw that these [ominous words!] ' were generally the very dregs and rinsings of the human intellect." [I am very glad, sir, he did not read *our* debates. What would he have said of ours?] "At length a friend sent me Mr. Ricardo's book, and recurring to my own prophetic anticipation of the advent of some legislator on this science, I said, Thou art the man. Wonder and curiosity had long been dead in me; yet I wondered once more. Had this profound work been really written in England during the 19th century? Could it be that an Englishman, and he not in academic bowers, but oppressed by mercantile and senatorial cares, had accomplished what all the universities and a century of thought had failed to advance by one hair's breadth? All other writers had been crushed and overlaid by the enormous weight of facts and documents; Mr. Ricardo had deduced, *a priori*, from the understanding itself, laws which first gave a ray of light into the unwieldy chaos of materials, and had constructed what had been but a collection of tentitive discussions, into a science of regular proportions, now first standing on an eternal basis."

I pronounce no opinion of my own, said Mr. R., on Ricardo; I recur rather to the opinion of a man, inferior in point of original and native genius, and that highly cultivated, too, to none of the moderns, and few of the ancients. Upon this subject, what shall we say to the following fact? Butler, who is known to gentlemen of the profession of the law, as the annotator, with Hargrave, on Lord Coke, speaking with Fox as to political economy—that most extraordinary man, unrivalled for his powers of debate, excelled by no man that ever lived, or probably ever will live, as a public debater, and of the deepest of political erudition, fairly confessed that he had never read Adam Smith. Butler said to Mr. Fox "that he had never read Adam Smith's work on the Wealth of Nations." "To tell you the truth," replied Mr. Fox, "nor I neither. There is something in all these subjects that passes my comprehension—something so wide that I could never embrace them myself, or find any one who did." And yet we see how we, with our little dividers, undertake to lay off the scale, and with our pack-thread to take the soundings, and speak with a confidence peculiar to quacks (in which the regular bred professor never indulges) on this abstruse and perplexing subject. Confidence is one thing, knowledge another; of the want of which, overweening confidence is notoriously the indication. What of that? Let Ganilh, Say, Ricardo, Smith—all Greek and Roman fame be against us—we appeal to Dionysius in support of our doctrines; and to him not on the throne of Syracuse but at Corinth—not in absolute possession of that most wonderful and enigmatical city, as difficult to comprehend as the abstrusest problem of political economy, which furnished not only the means but the men for supporting the greatest wars—a kingdom within itself, under whose ascendant the genius of Athens, in her most high and palmy state, quailed, and stood rebuked. No; we follow the pedagogue to the schools—dictating in the classic shades of Longwood—(*lucus a non lucendo*)—to his disciples.

We have been told that the economists are right in theory and wrong in practice; which is as much as to say, that two bodies occupy at the same time the same space; for it is equally impracticable to be right in theory and wrong in practice. It is easy to be wrong in practice; but if our practice corresponds with our theory, it is a solecism to say that we can be right in the one and wrong in the other. As for Alexander and Cæsar, said Mr. R., I have as little respect for their memory as is consistent with that involuntary homage which all must pay to men of their prowess and abilities; and if Alexander had suffered himself to be led by the nose out of Babylon and banished to Sinope, or if Cæsar had suffered himself to be deprived of his imperial sway, not by the dagger of the assassin, but by his own slavish fears, I should have as little respect for their memory as for that of him whose example has on this occasion been held up to us for admiration. Speaking of that man who has kept me awake night after night, and has been to me an incubus by day, for fear of the vastness of his designs, I cannot conceive of a spectacle so pitiful, so despicable, as that man, under those circumstances; and if the work dictated by him at St. Helena be read with the slightest attention, no forsworn witness at the Old Bailey was ever detected in so many contradictions as he has been guilty of. No, sir, the Jupiter from whose reluctant hand the thunderbolt is wrung, is not the one at whose shrine I worship—not that I think that the true Amphitryon is always him with whom we dine—he is not the political economist who is to take place of Smith and Ricardo. Will any man make me believe that he understood the theory or the practice of political economy better than these men, or than Charles Fox? Impossible. When I recollect what that man might have done for liberty, and what he did; when I recollect that to him we owe this Holy Alliance—this fearful power of Russia—of Russia, where I should advise persons to go who desired to be instructed in petty treason by the murder of a husband, or in parricide by the murder of a father, but from whom I should never think of taking a lesson in political economy—to whom I would say, rather, pay your debts, not in depreciated paper; do not commit daily acts of bankruptcy; restore your currency; practise on the principles of liberality and justice, and then I will listen to you. No, sir, Russia may, if she pleases, not only lay heavy duties on imports; she may prohibit them if she pleases; *she* has nothing to export but what some other inland countries have, political power—physical, to be sure, as well as intellectual power—but she does not even dare to attack the Turk; she cannot stir; she is something like some of our interior people of the South, who have plenty of land, plenty of serfs, smoke-houses filled with meat, and very fine horses to ride, but who, when they go abroad, have not one shilling to bless themselves with; and so long as she is at peace, and does not trouble the rest of the world, so long she may be suffered to remain; but, if she should continue to act hereafter as she has done heretofore, it will be the interest of the civilized world to procure her dismemberment, *per fas aut nefas.*

But it is said a measure of this sort is necessary to create employment for the people. Why, sir, where are the handles of the plough? Are they unfit for *young gentlemen* to touch? Or will they rather choose to enter your military academies, where the sons of the rich are educated at the expense of the poor, and where so many political Janissaries are every year turned out, always ready for war, and to support the powers that be—equal to the Strelitzes of Moscow or St. Petersburg? I do not speak now of individuals, of course, but of the tendency of the system—the hounds follow the huntsman because he feeds them, and bears the whip. I speak of the system. I concur most heartily, sir, in the censure which has been passed upon the greediness of office, which stands a stigma on the present generation. Men from whom we might expect, and from whom I did expect better things, crowd the ante-chamber of the palace, for every vacant office; nay, even before men are dead, their shoes are wanted for some barefooted office-seeker. How mistaken was the old Roman, the old Consul, who, whilst he held the plough by one hand, and death held the other, exclaimed, "*Diis immortalibus sero!*"

Our fathers, how did they acquire their property? By straightforward industry, rectitude, and frugality. How did they become dispossessed of their property? By indulging in speculative hopes and designs, seeking the shadow whilst they lost the substance; and now, instead of being, as they were, men of respectability, men of substance, men capable and willing to live independently and honestly, and hospitably too—for who so parsimonious as the prodigal who has nothing to give? What have we become? A nation of sharks, preying on one another through the instrumentality of this paper system, which, if Lycurgus had known of it, he would unquestionably have adopted, in preference to his iron money, if his object had been to make the Spartans the most accomplished knaves, as well as to keep them poor.

We are told that this is a curious Constitution of ours: it is made for foreigners and not for ourselves—for the protection of foreign, and not of American industry. Sir, this *is* a curious Constitution of ours, said Mr. R.; and if I were disposed to deny it, I could not succeed. It is an anomaly in itself. It is that supposed impossibility of all writers, from Aristotle to the present day, an *imperium in imperio.* Nothing like it ever did exist, or possibly ever will, under similar circumstances. It is a Constitution consisting of confederated bodies, for certain exterior purposes, and, also, for some interior purposes, but leaving to the State authorities, among a great many powers, the very one which we now propose to exercise: for, if we were now passing a *revenue bill*—a bill, the object of which were to raise revenue—however much I should deny the policy, and however I could demonstrate the futility of the plan, I still should deem it to be a Constitutional bill—a bill passed to carry, bona fide, into effect, a provision of the Constitution, but a bill passed with short-sighted views. But this is no such bill. It is a bill, under pretence of regulating commerce, to take money from the pockets of a very large, and, I thank God, contiguous territory, and to put it into other pockets. One word, sir, on that point; I can assure the gentlemen whose appetites are so keenly whetted for our money—I trust, at least, that if this bill passes, there will be a meeting of the members opposed to it, and a general and consentaneous resistance to its operation throughout the whole Southern country—and we shall make it by lawful means; *quant à nous*, the law will be a dead letter. It shall be to me, at least, as innocuous as the pill of the empyric, which I am determined not to swallow. The manufacturer of the East may carry his woollens, or his cottons, or his coffins, to what market he pleases—I do not buy of him. Self defence is the first law of nature. You drive us into it. You create heats and animosities amongst this great family, who ought to live like brothers; and, after you have got this temper of mind roused among the Southern people, do you expect to come among us to trade, and expect us to buy your wares? Sir, not only shall we not buy them, but we shall take such measures (I will not enter into the detail of them now,) as shall render it impossible for you to sell them. Whatever may be said here, of the "misguided counsels," as they have been termed, "of the theorists of Virginia," they have, so far as regards this question, the confidence of united Virginia. We are asked—does the South lose any thing by this bill—why do you cry out? I put it, sir, to any man, from any part of the country, from the Gulf of Mexico, from the Balize, to the Eastern shore of Maryland—which, I thank heaven, is not yet under the government of Baltimore, and will not be, unless certain theories should come into play in that State, which we have lately heard of, and a majority of men, told by the head, should govern—whether the whole country, between the points I have named, is not unanimous in opposition to this bill? Would it not be unexampled, that we should thus complain, protest, resist, and that all the while nothing should be the matter? Are our understandings (however low mine may be rated, much sounder than mine are engaged in this resistance,) to be rated so low as that we are to be made to believe that we are children affrighted by a bugbear? We are asked, however, why do you cry out?—it is all for your good. Sir, this reminds me of the mistresses of George II. who, when they were insulted by the populace on arriving in London, (as all such creatures deserve to be, by every mob,) put their heads out of the window, and said to them, in their broken English, "Goot people, we be come for your goots;" to which one of the mob rejoined "Yes, and for our chattels too, I fancy." Just so it is with the oppressive exactions proposed and advocated by the supporters of this bill, on the plea of the good of those who are its victims.

There is not a member of this House, said Mr. R., more deeply penetrated than the one who is endeavoring to address you, with the inadequate manner in which he has discharged the task imposed upon him—in this instance, he will say, on his part, most reluctantly. But, as I have been all my life a smatterer in history, I cannot fail to be struck with the fitness of the comparison instituted by a historian of this country with the Roman republic, just as it was in a state of preparation for a master.

"Sed, post quam luxu, atque desidia civitas corrupta est; rursus respublica, magnitudine sua, imperatorum atque magistratuum vitia sustentabat; ac veluti effoeta parentum, multis tempestatibus, haud sane quisquam Romæ virtute magnus fuit."

Of this quotation, I will, as they sometimes say in the Parliament, for the benefit of the country gentlemen, attempt a translation. "But, after the State had become corrupted by luxury and sloth"—in the Arabian Nights' Entertainments, we are told of one who laid by his sequins in good money, and when he afterwards came to use them, he found them to be bits of paper, not worth more than old continental (or Kentucky) money—"by luxury and sloth, again the republic,"—and here I press the comparison—"by dint of its own magnitude, its own greatness, its own vastness, bore up under the faults, the vices, of its generals, magistrates, and that, too, as if effete—(past bearing) since, for a long while"—I hope the comparison will not hold here—"for a long time scarcely any man had become great at Rome by his merit." So, sir, it is with this republic. It does not sustain, by its greatness and growing magnitude, the follies and vices of its magistracy. Had this Government been stationary like any of the old Governments of Europe, of the second class, Prussia, for instance, or Holland, by the political evolutions of the last thirty years—I might say the last twelve years—it would have sunk into insignificance and debility: and it is only upon this resource, the increasing greatness of this republic, that the blunderers who plunge blindfold into schemes like this, can rely for any possibility of salvation from the effect of their own rash, undigested measures. It is true, that the race is not to the swift, nor the battle to the strong; and elsewhere than in the republic of Rome and of other times, than the days of Catiline, it may be said, "Haud sane quisque virtute magnus est."

"'Tis not in mortals to command success!—
But do *you more* Sempronius—*don't* deserve it,
And take my word you won't have any less;
Be wary, watch the time, and always serve it:
Give gentle way when there's too great a press;
And for your conscience only learn to nerve it—
For, like a racer, or a boxer, training,
'Twill make, if proved, vast efforts without paining."

I had more to say, Mr. Speaker, could I have said it, on this subject. But I cannot sit down without asking those who were once my brethren of the church, the elders in the young family of this good old republic of the thirteen States, if they can consent to rivet upon us this system, from which no benefit can possibly result to themselves. I put it to them as descendants of the renowned colony of Virginia—as children sprung from her loins—if, for the sake of all the benefits with which this bill is pretended to be freighted to them—granting such to be the fact, for argument's sake—they could consent to do such an act of violence to the unanimous opinion, feelings, prejudices, if you will, of the whole Southern States, as to pass it? I go farther. I ask of them what is there in the condition of the nation, at this time, that calls for the immediate adoption of this measure? Are the Gauls at the gate of the Capitol? If they are, the cacklings of the Capitoline geese will hardly save it. What is there to induce us to plunge into the vortex of those evils so severely felt in Europe from this very manufacturing and paper-policy? For, it is evident that, if we go into this system of policy, we must adopt the European institutions also. We have very good materials to work with. We have only to make our elective King, President for life, in the first place, and then to make the succession hereditary in the family of the first that shall happen to have a promising son. For a King we can be at no loss—*ex quovis ligno*—any block will do for him. The Senate may, perhaps, be transmuted into a House of Peers, although we should meet with more difficulty than in the other case: for, Bonaparte himself was not more hardly put to it, to recruit the ranks of his mushroom-nobility, than we should be to furnish a House of Peers. As for us, we are the faithful Commons, ready made to hand; but with all our loyalty, I congratulate the House—I congratulate the nation—that, although this body is daily degraded by the sight of members of Congress manufactured into placemen, we have not yet reached such a point of degradation as to submit to suffer Executive minions to be manufactured into members of

Congress. We have shut *that* door; I wish we could shut the other also. I wish we could have a perpetual call of the House in this view, and suffer no one to go out from its closed doors. The time, Mr. R. said, was peculiarly inauspicious for the change in our policy which is proposed by this bill. We are on the eve of an election that promises to be the most distracted that this nation has ever yet undergone. It may turn out to be a Polish election. At such a time, ought any measure to be brought forward which is supposed to be capable of being demonstrated to be extremely injurious to one great portion of this country, and beneficial in proportion to another? Sufficient for the day is the evil thereof. There are firebrands enough in the land, without this apple of discord being cast into this assembly. Suppose this measure is not what it is represented to be; that the fears of the South are altogether illusory and visionary; that it will produce all the good predicted of it—an honorable gentleman from Kentucky said, yesterday, and I was sorry to hear it, for I have great respect for that gentleman, and for other gentlemen from that State, that the question was not whether a bare majority should pass the bill, but whether the majority or minority should rule. The gentleman is wrong, and if he will consider the matter rightly, he will see it. Is there no difference between the patient and the actor? *We* are passive: we do not call upon *them* to act or to suffer, but we call upon them not so to act as that we must necessarily suffer: and I venture to say that, in any government properly constituted, this very consideration would operate conclusively, that, if this burden is to be laid on 102, it ought not to be laid by 105. We are the eel that is being flayed, while the cook-maid pats us on the head, and cries, with the clown in King Lear, "down, wantons, down!" There is but one portion of the country which can profit by this bill, and from that portion of the country comes this bare majority in favor of it. I bless God that Massachusetts and old Virginia are once again rallying under the same banner, against oppressive and unconstitutional taxation: for, if all the blood be drawn from out the body, I care not whether it be by the British Parliament or the American Congress—by an Emperor or a King abroad, or by a President at home.

Under these views, and with feelings of mortification and shame at the very weak opposition I have been able to make to this bill, I entreat gentlemen to consent that it may lie over, at least, until the next session of Congress. We have other business to attend to, and our families and affairs need our attention at home—and indeed I, sir, would not give one farthing for any man who prefers being here to being at home—who is a good public man and a bad private one. With these views and feelings, I move you, sir, that the bill be indefinitely postponed.

Appendix to Mr. R.'s Speech, furnished by himself.

Note 1.

I ought to have excepted Albert Gallatin, "the apostle of Truth, and the favorite votary of Liberty," as he was hailed by the companion of my early manhood. This gentleman might say, of the place in which he finds himself, what was said of a certain Doge of Genoa, I think, whom the arrogance of Louis XIV. ordered to Paris to make an apology, in his own person, for some offence on the part of that once proud republic, against the dignity of the Grand Monarque.

Had Montgomery, instead of falling on the heights of Abraham—where Montcalm and Wolfe, congenial spirits, also

> ——— "*forsook*
> *Their mansions in this fleshly nook,*"

survived to see the Revolution of 1788–'9, brought about, would it have ever been objected to him that, by birth, he was an Irishman? Would his foreign descent have stood in the way of his other claims to the Chief Magistracy of the country?

Were Mr. Gallatin a French or Englishman, there would be some color to this objection. But he is a native of Geneva, and no good Genevese can worship at the shrine of a Bonaparte or a Bourbon. I think it must be his citizenship of Virginia that stands mostly in the way of the elevation of this extraordinary man, who sees himself postponed to persons in no respect considerable, except for the *modesty* of their pretensions, who have never, and can never, render a tithe of his public services, and whose names were not known out of their own parish, so late as the acquisition of Louisiana, and the commencement of Mr. Jefferson's second term of Presidential service.

No foreigner, be it remembered, can ever become President, who was not a citizen at the time of the adoption of the new Constitution of 1787. The door will soon be closed against them forever, be their merits and services what they may.

Note 2.

The principal of the debt proper of the United States was funded at 6 per cent., but the payment of one third was postponed for ten years.

The interest, the evidences of which were called "*indents* of interest," was funded at 3 per cent.

Of the assumed debt, one-third was taken, on estimate, to be the amount of interest due upon it, which, at the time, could not be ascertained; and, also, funded at 3 per cent.

These two sums constitute the 3 per cent. stock of the United States.

Of the remaining two-thirds of the assumed debt, two-thirds, being the estimated amount of principal, equal to 2*s.* 8*d.* Virginia money, to a dollar, were funded at 6 per cent.; and the remainder (one-third of two-thirds, or 1*s.* 4*d.* Virginia money, on the dollar) was also funded at 6 per cent., but the payment postponed in like manner, as on the debt proper of the United States.

This is the origin of the term deferred stock, in our laws and financial statements.

One-third of the dollar - - - - - taken as interest and funded at 3 per cent.	=2
Two-thirds of the remaining 4*s.* = 2*s.* 8*d.* at 6 per cent. - - - - - - -	2 8
One-third of two-thirds or one-quarter deferred; also at 6 per cent. - - - - -	1 4
	s. 6 0

Note 3.

From this admission, I feel myself compelled to except the opinions, however long established, as to the impolicy of the expulsion of the *Moriscoes* from Spain, and of the *Huguenots* from France by the revocation of the edict of *Nantes*. Never having been "*addictus jurare in verba magistri*," I have long ago taught myself to believe, that the alleged impolicy of these two celebrated measures (which I have never heard called in question by any authority whatsoever) is one of those "vulgar errors" that ought to go to swell the catalogue of the ingenious Sir Thomas Brown. From the institution of the Passover to the latest experience of man, it will be found that two essentially different and hostile nations cannot peaceably and advantageously inhabit the same territory, and live under the same form of government. I have been led to ascribe the subsequent grandeur and power of France, mainly to the removal of this fruitful source of schism and of weakness. Had the Protestants remained in the bosom of France, their superior industry and intelligence would speedily have raised them to a level with their Catholic enemies and fellow-subjects; and the seeds of incurable division and weakness would thus have been sown, never to be eradicated.

With some millions of wealthy and exasperated *Moriscoes* in her bosom, could Spain have made the stand she did against the power of Bonaparte? It is this which renders Ireland a dead weight upon England, instead of a powerful auxiliary. Would Virginia have been impoverished in case she had expelled her black population, constituting the great mass of her productive labor at the peace of 1783? Suppose, instead of ceding her northwestern territory to Congress, she had, at the peace of 1783, driven every negro and mulatto, bond or free, across the Ohio? Would she now, think you, be less populous or powerful than she is at present? Would she now be driven to the humiliation of receiving the law, and, perhaps, a master, from the Congressional and electoral influence beyond, not only the Ohio, but the Mississippi—beyond Aurora and the Ganges?

I speak of the results, not of the motives, of those celebrated measures. Was the Reformation not eminently beneficial to England, because it was owing to the lewd passions and ungovernable caprices of a tyrant, even more odious than Louis XIV. or Philip IV.? Were the motives of his overgrown subjects, greedy for the spoils of the church, panting for the plunder of the rich *abbeys* and *benefices*, less infamous than those of their master? Is the Jackall, who humbly receives the offal carcase, when the hunger of the royal beast is appeased by its blood, distinguished in any way to his advantage from the monarch of the forest?

Note 4.

List of exports of domestic growth.

Cotton,
Tobacco,
Rice,
Indian corn—exclusively Southern.

Flour, wheat, &c.,
Lumber,
Naval stores.

When Mr. Randolph had concluded his speech—

Mr. Holcombe rose, and stated to the Chair that he wished to make some observations on the subject under consideration. I have been, he observed, so patient and persevering a listener throughout this long discussion, that I feel myself entitled to the indulgence of the House for a short time. The fate of the bill, Mr. Speaker, is no longer doubtful. Signs and indications, which can neither be resisted nor mistaken, have announced its destiny. It will pass, I doubt not, at least in this House, by a small but decisive majority. Such facts, on ordinary occasions, would seem to render all further discussion unnecessary, if not intrusive. But, when the policy of a great nation, in relation to one of its most important interests, is about to assume a new character, or, at least, receive additional impulse; when the manufacturing interest of this country, already under the protection of the Government, is demanding yet more efficient protection, in opposition to the remonstrances and hostility of a large and imposing minority, within and without this House, public opinion seems to require—public opinion, indeed, does require—from the friends of the new policy, the fullest exposition of the views and causes which have led to its adoption.

With such apologies, I come before the House at this late period of the debate. But, sir, I scarcely know how or where to commence my observations. The manufacturing question is utterly exhausted. The field of discussion which it presents has been so long preoccupied, so perseveringly explored, that neither fruit nor flower remains to reward the adventurer. If we refer to history for illustration, nothing can be more familiar than its examples. If to political economy, or the labors of the statist, their tables and statements, their axioms and principles, have been urged upon us, from every department of the House, by friend and foe, even to satiety.

Mr. H. observed, the general principles of the bill had been so fully discussed by others, that he would proceed at once to examine, as rapidly and briefly as possible, the principal objections which had been urged against it. The bill, Mr. Speaker, is combatted on this floor by three interests essentially distinct; the agricultural interest of the South, the manufacturing interest of the East, and the general interest of commerce and navigation. For the sake of perspicuity, the objections arising out of the supposed hostility of the bill to each of these interests, will be noticed separately. The protection of the manufacturing interest is said to be hostile to the agriculture of the South. If gentlemen were able to establish the truth of this objection, the principles as well as the policy of the bill would remain, at least to me, entirely indefensible. For I have neither the right nor the disposition to advocate any measure calculated to build up the interest of one section of the Union at the expense of another. I have no personal interest which this bill can possibly promote. I support it, as a measure purely national in its character, intended to advance the prosperity, not of sections only, but of the Union; to equalize all our great interests; to promote, by its direct and necessary operation, the manufacturing interest; to promote, by the creation, or rather the extension, of the home market, the agricultural interest; and, finally, to promote the commercial interest, by enabling the American merchant, by the abundance and cheapness of the fabrics of the manufacturer, to adventure successfully in the great markets of the world; particularly in the opening and growing markets of South America.

The gentlemen of the South must pardon me for believing, as I certainly do believe, that they mistake altogether the ultimate operation of this bill, as far as their agriculture is concerned. It is true, we can only speculate upon this point. But it has always appeared to me that, if there be one section of the Union more deeply interested than another in the friendly operation of our manufacturing policy upon its agriculture, it must be the South, inasmuch as the creation of a steady home market for its rich agricultural staples must be to the South an object of vital and lasting consideration. The European market is at best precarious. A state of war impairs, and may extinguish it. Competition, also, seriously threatens it. The Southern planter, indeed, has already found in it growing and formidable rivals. Cotton, the great staple of the South, is at this moment extensively cultivated for exportation in three quarters of the globe, in India, Brazil, and, lately it would seem, in Egypt. And the time cannot be considered distant when it must form no inconsiderable staple of the whole series of South American Republics. Driven, therefore, as, in a great measure, it appears to me it necessarily must be driven, from the European market, where is the Southern planter to find refuge and protection, except, indeed, in the home market, which it is one of the first objects of this bill to assist in establishing? And a refuge and protection it assuredly will prove, ample and unchangeable, (the derision and infidelity of gentlemen to the contrary notwithstanding,) if we will consent to extend to it, from time to time, that legislative aid which its necessities may require, and which its great national importance will always justify. The American market, at present, consumes probably one-fourth, at least one-fifth, of all the cotton grown in the South; stimulated to excess as that culture has been by the extraordinary demands upon it, growing out of the peace of Europe. Extend, therefore, extend to the cotton manufacture of this country efficient protection, and I mistake, utterly and hopelessly mistake, the genius and enterprise engaged in it, if, before the revolution of another national period—the period of ten years—it be not able to absorb all the surplus cotton of the South,—for a part of Southern cotton, from its quality, will always find a market in Europe; provided, no more additional lands be appropriated to its culture; and the quantity is said already to trespass greatly upon correct agricultural proportions.

But, the gentlemen of the South deny that the cotton market of Europe is in danger. They contend that they will always be able to undersell the foreign agriculturist in it. But, is not this confidence, Mr. Speaker, both dangerous and delusive? Can the labor of the slave be made as profitable as the labor of the freeman? And, if the labor of the slave be not as profitable as the labor of the freeman—and that it is not is almost universally conceded—how will the Southern planter be enabled to compete successfully, in years to come, with the millions of free agriculturists rising up and scattered over the immense and fertile regions of the Southern continent? He will be crushed by the competition; he must be driven from the market. There is, indeed, one method whereby the labor of the slave may be made more profitable than the labor of the freeman. The fact has been established; but, happily, not by the experience of this country, for the process is a dreadful one. It is by furnishing the wretched slave with the smallest portion of raiment sufficient to protect him from the inclemency of the elements, and graduating his coarse food to the minimum barely necessary to sustain, for the purposes of his labor, his miserable existence, stimulated into all its capabilities by the unceasing lash of the task master. A state of society, of servitude, and suffering, not more incompatible with the public opinion of the age than unequivocally abhorrent to the sensibilities of the South.

But gentlemen contend that England will refuse to purchase our cottons, if we refuse to purchase her fabrics. Mr. H. observed that this was no novel argument, but one which had been repeatedly urged in Congress, and also in the reviews and essays of the day. He denounced it; and particularly the principle upon which it is founded, as offensive and fallacious. And what, Mr. Speaker, is this principle? It is, that we, the guardians and protectors of the rights and interests of the good people of these States, should look calmly on, whilst our infant manufactures perish before us; or, that we should see them struggling into existence, unnoticed, unaided, and unprotected. That we should consent to postpone indefinitely one of our greatest interests, and subscribe, officially, to articles of virtual and lasting dependence upon foreign nations! For what? To protect the cotton culture of the South from imaginary extinction! Or rather, which is really the fact, to give to the English manufacturer the monopoly of the American market forever.

But the proposition which is assumed, that England will refuse to purchase our cottons if we refuse to purchase her fabrics, is wholly gratuitous. Long before this Government first manifested any serious disposition to foster the manufacturing interest, cotton had been extensively imported into England from India and Brazil, and its culture in those places sedulously encouraged. The English manufacturer purchases from the cheapest market, (can we suppose he can or will pursue for any length of time any other course?) entirely regardless of the country that grows it. It is true, the prices being alike, and the quality the same, he will purchase the cottons of every other country in preference to ours. And the cause is obvious. He has foreseen, from our uncommon skill as manufacturers, and the extraordinary progress which we have already made in every department of useful industry, that the time is not distant when the monopoly which he enjoys upon these shores will not only be extinguished, but rivals will here grow up to compete, with him, in all the great markets of the world. And hence his disposition to promote, in preference to ours, the agriculture of every nation, where new markets can be created. And this is the course which he will pursue—this indeed is the course which he must pursue—in despite of every effort of conciliation—of every act of favoritism which we may be disposed to extend towards him. As long as we continue to undersell the foreign agriculturist in the European market we shall be preferred—but certainly no longer. Every other consideration is idle—is but dust in the balance when weighed against this obvious, this irresistible fact.

But this bill, Mr. Speaker, is further said to be hostile to the general agricultural interest of this country. I must pass over very rapidly an objection so decisively extravagant. For where in the history of the world has the encouragement of manufactures ever proved hostile to the interests of agriculture? Look to the present age—go to the Lothians of Scotland; the rich agricultural districts of England; the kingdom of the Netherlands; the banks of the Rhine and the Elbe; the Rhone and the Seine; go indeed to every manufacturing hamlet, circle or city in Europe, and witness everywhere the refutation of this extravagant objection. Ask history—summon from the dead the Saracens of Spain, the Lombards of the twelfth century—the Genoese; the Venetian—ask the illustrious house of Medicis whether the fostering care which they awarded to manufactures proved hostile to the agriculture of the beautiful region over which they presided? Even our own short experience amply refutes the objection.

Wherever manufacturing establishments have been successfully located amongst us, the country has, in all instances, flourished around them—exhibiting the strongest evidence of their friendly influence upon the interests of the farmer. And were we disposed to receive, with due courtesy, the representations of our constituents, our tables at this moment would be covered with memorials from our agricultural constituents—at least from those of the middle States and the East and the West, praying for the protection of the manufacturer—experience having dissipated their early hostilities, and convinced them, by the most irresistible testimony, that in the protection of the manufacturer is embraced their own surest and best protection.

But the bill, Mr. Speaker, is said to be hostile to the interests of commerce. This, if sustained, would prove an argument entirely unanswerable. Inasmuch as it would not only render a resort to excises or direct taxation necessary to meet the ordinary expenditures of the Government, but involves seriously and lastingly the interests of the Navy. Mr. H. controverted this argument at some length. He maintained that it was opposed by the testimony of innumerable facts, and the universal experience of the commercial world—that commerce is directly promoted by whatever tends to promote national wealth and industry. That the bill, in its present shape, was as judicious a revision of the tariff as could be devised; and, consequently, that the interests of commerce and the revenue, instead of being impaired, would be promptly and decisively promoted by it. That domestic manufactures create a multitude of new wants, and furnish the means of gratifying them; and hence, consumption is increased; and hence, the loss which the revenue sustains by the lessened importation of articles manufactured at home, is more than repaired by the increased consumption of others; and that, if to these considerations be added the steady and extraordinary advance of our population, and the necessary increase of luxury, the interests of the revenue may be fairly regarded, as secure from all future contingency and danger. As a striking illustration of the above positions, Mr. H. referred to the example of England, whose revenue has constantly increased, exactly in proportion as the restrictive system, for the encouragement of the manufacturing interest, has been enforced. Mr. H. contended further, that a more rigid tariff than the present—a tariff for the ample and exclusive protection of the great objects of our industry, would, whatever might be its immediate operation, ultimately advance (and at no distant period too) the interest of commerce. Such a tariff, it is acknowledged, would extinguish some of the fountains of commerce—but open a four-fold number in their stead.

It is impossible for me to say, Mr. Speaker, how far the feeble encouragement which we have thus far awarded to our manufactures, has advanced the interests of the Treasury. But if numerous facts be not entirely fallacious, we have already reaped a golden harvest from the limited sacrifices which we have heretofore so reluctantly made. How is the present remarkably flourishing state of the Treasury to be accounted for, unless we refer it, partly at least, to the friendly operation of our manufacturing establishments upon our foreign commerce? The great markets of Europe are closed upon our agricultural productions. And we have lost, consequent to a state of general peace, the carrying trade of half the world. Besides, sir, from the cultivation of sugar within our own territories, and the lessened importation of West India spirits, the revenue, as formerly constituted, has been lessened millions. But, notwithstanding these fearful fallings-off (and fearful they would have been, and wide-spread and desolating in their influence upon ordinary nations) we are steadily advancing in the career of commercial prosperity. Successive Treasury reports mock the predictions both of friend and foe. The canvass of our marine—I use, or wish to use no figure—still swells upon the remotest seas, and our flag yet streams upon every shore.

And where, I demand, are the realities of those gloomy forebodings—of those appalling pictures of national bankruptcy—of taxes, loans, and excises, conjured up, and so gloomily portrayed, to alarm the fearful and despairing politicians of 1816 and 1820? Faded away forever, and lost in the light of that general prosperity, of that energy and enterprise, of that industry and universal improvement, which is shedding a distinguishing lustre around the present moment, and illuminating, with the intensest brilliancy, the path of our future destinies.

I would not mock, Mr. Speaker, the House with idle tales, with visionary pictures; but I must be permitted to repeat, and to reiterate, again and again, in despite of the sombre picture of the Speaker, and of the innumerable examples of deep distress, embarrassment, and ruin, which have been and may be referred to, during the discussion, that the real, the vital, the lasting prosperity of this country, is not only not impaired, but steadily advancing. And here I am gratified to find myself upon ground, which has been so ably pre-occupied by the distinguished member from Massachusetts, (Mr. Webster.) And further, sir, when we take into consideration the state of the world, growing out of the peace of Europe, and our own peculiar embarrassments, resulting in a great measure from the disastrous and temporizing policy which we have heretofore pursued, our situation, I apprehend, will be found to be one, not of ruin or despondency, but rather of wonder and congratulation. Our prosperity has heretofore resembled a stream, swelled by transient and extraordinary causes, into a torrent. The torrent has subsided, and the traces of its desolation, it is certain, are every where visible. But the stream, sir, the stream remains; sunk, indeed, into its accustomed channels, but still full and flowing, diffusing every where, life, fertility, and blessings, throughout our vast domain. But, wherefore this concession? What, sir! Because this great nation—ay, great nation—in the vigor of youth, and the freshness of her glorious institutions, has been sustained without fainting or falling, under the tremendous pressure of the times, shall we, her rightful guardians and protectors, refuse to lighten officially her immense burdens, or lessen, by every possible means of legislation, the duration of that long minority among nations to which she must otherwise necessarily be subjected?

I have spoken incidentally of the disastrous policy which we have pursued. One moment, sir, in explanation of this policy, of its origin, progress, and results. A state of universal warfare in Europe, by putting into requisition our entire commercial and agricultural energies, flooded us with wealth. Success, by intoxicating, lulled us into a delusion in relation to our real and permanent interests, unhappily as profound as it became universal and alarming. And when the shock of reaction, consequent to the sudden and universal peace which succeeded, awakened us from our golden dreams, we were absolutely astounded to discover that bread could grow in other soils, and enterprise flourish under other flags. Our great markets closed suddenly upon us, and the convulsion which succeeded forms a memorable epoch in our history, and would have proved inexpressibly jeopardous to the safety of the body politic, had not the redeeming spirit of our institutions interposed to save it from dissolution. And even at this moment, it is not difficult to perceive, that a silent but powerful cause of indisposition, if not hostility, to the manufacturing interest, arises from an undefined wish, from a lingering hope, that the circumstances of the world would again open to us the carrying trade, and the profitable markets of Europe. Thus, betraying a disposition to stake, as desperately as ungenerously, our great and lasting interests upon the contingency of foreign war, and the consequent miseries of the human race!

But this bill, sir, has excited the hostility of the manufacturing interest itself, particularly of the flourishing manufacturing interest in the East. A single remark, in reply to this objection. This hostility, ungenerous and unbecoming as it may seem, is perfectly natural. The manufacturer has perceived, (and certainly the perception required no preternatural illumination,) that the ultimate operation of this bill, by bringing additional skill, capital, and competition into the business, will tend to lessen, rather than multiply, his profits. And hence his hostility. A fact worth a thousand speculations, urged, as they may be, with all the zeal and perseverance of the gentlemen of the South. Do not gentlemen perceive the dilemma to which this argument reduces them? The South combats the bill, because it will advance the price of goods, and thus operate as a permanent and oppressive tax upon its agriculture. The manufacturing interest of the East, on the contrary, combats it, because it will destroy monopoly, and reduce the price of the manufactured article below its present value, to the minimum of a living profit.

But, Mr. Speaker, is it correct policy, to stimulate, at this moment, by additional protection, the manufacturing interest of this country? This is the more immediate question before this House? My views, in relation to it, are soon expressed and easily understood. To the manufacture of cotton and woollen goods, of iron and glass, flax, and hemp, and lead, and all other manufactures, the material of which we either possess, or can create in abundance, and which are indispensable for our security and independence in peace and war, I would grant ample, and, as rapidly as circumstances would permit, exclusive protection. Between these, and the innumerable other articles which constitute a great mass of our foreign commerce, I would draw a line of perpetual distinction. The first, as I have observed, I would protect amply and immediately. For the last, I would remain dependent upon foreign nations, or reserve as subjects for future legislation. This, sir, very briefly expressed, is the manufacturing policy which I am disposed to advocate, and of which this bill, *as originally reported by the Committee*, was a fair exposition; a policy equally removed from the system of bounties and monopolies on the one part, as from the visionary and degrading system of foreign dependence and unrestricted commerce on the other. "A policy ‘which purports not to protect the manufacture of ‘gold and silver; not the velvets of Lyons, or the ‘silks of Spitalfields; not the lawns of Brussels, ‘or the laces of Cambray; not the clinquaillerie ‘or the bijouterie of Paris or Birmingham, but such 'as we feel the want of in time of war, and such 'as may fairly be regarded as of prime necessity, 'or immediately connected with agricultural 'wants and pursuits."—*Professor Cooper.*

And this policy, whatever may be said or imagined to the contrary, is the growing, and is, indeed, already the favorite policy of the American people. It is an appeal to their interests, their patriotism, and experience, which, from its very nature, must be irresistible. And gentlemen may denounce the bill in the bitterest possible manner; they may originate for it, and affix to it the most opprobrious epithets; and they surely have betrayed no lack of capacity in this respect; they may hold it up to public reproach, to public execration, as high and as perspicuously as they are able—stigmatizing it as a tax, levied most unrighteously upon the agricultural community; as "an odious monopoly," calculated to benefit the few at the expense of the many; as a "voracious idol," which is to swallow up all the other interests of the country; as "a vast experiment," got up for the amusement of speculative politicians; or, finally, as "a hateful and accursed measure," which is to bring down upon the Republic dissolution, penury, and pauperism. But, sir, in despite of this host of imaginary evils—of this storm of epithets, which gentlemen have literally showered upon the bill,—its policy, the American policy of the Speaker—will prevail—will remain fixed and irreversible—its foundation being deeply sunk in public opinion—in the confidence, favor, and affections of the people.

Permit me now to make a few general observations upon the bill. If there be a principle in political economy, or any other science, entitled to unquestionable assent, it is, that commercial restrictions, or a tariff of duties, calculated to protect the manufacturing or home industry, is indispensably necessary, in the present state of the world, to develope the resources, and establish the wealth of nations. It is a principle sustained by the universal testimony of the present and the past. Its truth is written in letters emphatically of gold, in the history of every country that has adopted it, and marked, on the contrary, in characters of ruin and bankruptcy, and utter extinction, in the examples of such as have rejected or abandoned it. It is the great wand, indeed, of the magician, which, when stretched over nations, sheds upon the most unpropitious regions the bounties and blessings of Providence; but which, reversed, withers away from the fairest portions of the globe the munificence of nature. Language, Mr. Speaker, as unequivocal as this, will probably be denounced as declamation; but it is notwithstanding the sober evidence of experience, in every period of the civilized world. Consult both ancient and modern history, and you will find the restrictive system, either in its natural or artificial existences, virtually the basis upon which every nation has erected the superstructure of its distinction and wealth. It was this principle which, upwards of thirty centuries ago, collected upon the rock of Tyre the riches of the ancient world, and which in modern Europe has given to Venice and Genoa, to Holland and England, a rank and influence among nations entirely denied them by the dispositions of Providence. Since the agitation of this subject, I have examined, or rather glanced over, the history of every distinguished modern nation in its relation to manufactures. And it is a striking and gratifying fact to observe in every instance civilization and science, intelligence, and freedom, dominion and wealth, following in their footsteps. From the modern Greeks, (in the twelfth century the most polished people in Europe,) they passed to the Venetians and Lombards. From the Lombards to the Hanseatic towns of Germany and Holland; from Holland to France and England. An imposing and magnificent march—destined to receive its final consummation, (who will presume to doubt?) in the land of Fulton and Franklin.

But the early manufacturing cities and nations of Europe, the gentleman from Virginia (Mr. BARBOUR) who opened this discussion says, have disappeared—have perished from the earth. And the eloquent gentleman seems to deduce from this fact a general argument against the manufacturing interest, as tending more than any other interest, from the contingent and perishable nature of its capital, to hasten prematurely, the decay of nations. But alas! sir, upon what communities, however constituted, does the breath of time alone pass over, not to blight or destroy? The Eternal City itself is sinking beneath the influences of an agent the most fearful and mysterious in its march of desolation of any of the hitherto visitations of the Almighty. The cities and republics referred to were the creations of accident—of fortuitous circumstances, from the beginning. And they have declined and perished by being absorbed by the nations around them possessing from nature most extensive manufacturing advantages, and availing themselves of them.

It is with nations, Mr. Speaker, as with individuals; and the economy of nations, it has been said during the debate, should be represented in miniature by the economy of well regulated families. I subscribe with pleasure to the doctrine. And the whole policy of the bill before us may be beautifully illustrated by the family of an American farmer. The farmer, in all the essentials of life, of food, and clothing, is perfectly independent. Accidental circumstances—a state of war, for example—brings to him, as it brings to every one, embarrassments and privations; but it does not, it cannot, abridge materially the necessaries, or even the conveniences and comforts of his household. He is independent. But, independent as he is, he is willing to continue dependent upon other countries for the finer articles of clothing, and the luxuries of his table. And such is the nature of the independence which this bill contemplates to give to this country. I have not time to extend the illustration further. Yes, sir; it is indeed with nations as with individuals. And, if there be in national economy a spectacle more gratifying than the independence of an American farmer, it will only be found in that more extended and magnificent spectacle—the independence of this great Republic—with all its interests, agricultural, commercial, and manufacturing, aided, sustained, advanced, and carried to perfection.

But, what kind of tariff would gentlemen be willing to tolerate? What, I repeat, is the nature of the commercial system which they are disposed to establish as the permanent policy of this country? It is something which I can scarcely comprehend, and certainly not define. Something, I presume, graduated to the minimum of an ordinary revenue law, and based upon the principle of Adam Smith, that national prosperity is best promoted by an entire dissolution of commercial restrictions—by a free and liberal intercourse among nations. Come, then, let us test for a moment this specious, captivating theory. Let us pursue this free, this liberal system, to its legitimate, its ultimate consequences. Repeal your revenue laws; raze your custom-houses to their foundations; give your commercial restrictions, of every description, to the winds; and, after you have achieved these triumphs over the institutions—the delusions, if you please, of ages—go reap the golden, glorious harvest which awaits you. Alas! you have sown in the winds and must reap the desolation of the whirlwind. The Kalmuc of the Crimea will supply you with bread; the Copt of Egypt, and the Indian of Bengal with cotton; England, as formerly, with your household furniture, and France with the articles of your wardrobe. Your great interests paralyzed; your agriculture languishing; commerce declining; manufactures perishing; your— But, sir, I cannot, will not finish the picture. It is too utterly repulsive and extravagant. But, repulsive as it is, and extravagant as it may seem to be, it is a picture faithfully correct, and exhibits, in strong relief, the desolation and extremity to which the favorite system of gentlemen opposed to this tariff—the system of unrestricted commerce, in the present state of the world, if adopted and persevered in, would necessarily and rapidly reduce us.

But gentlemen contend that manufactures will naturally arise whenever population acquires a certain degree of density; that capital will seek its most profitable investments; will flow into its most profitable channels; and, consequently, that the interference of Government to give it impulse or direction, is to be deprecated as intrusive, unnecessary, and unjust. I do not say, Mr. Speaker, that such opinions are either "jargon or nonsense;" these would be ungracious terms, notwithstanding their recent application, from a distinguished quarter of the House, to a proposition apparently obvious and irresistible. But I do contend, that the doctrine which maintains that manufactures will arise of themselves, in the present age of stern and universal competition, without the aid and protection of Government, if not "jargon or nonsense," is mockery—the bitterest mockery. They cannot arise. It is true, that the ordinary domestic manufactures may arise and flourish, as they have arisen and flourished, in a remarkable manner among us. But the greater manufactures, national manufactures—the manufactures devoted to the great articles of commerce—cannot be established or sustained without the fostering and unceasing aid of commercial restrictions. They will otherwise fail, and sink, and perish, and be withered away from the face of the earth, before the skill, the competition, and enterprise, of older and more protected nations.

But England, gentlemen say, is tired of the restrictive system, and willing and anxious to abandon it. This fact, Mr. Speaker, if established, would prove a strong argument against us, inasmuch as we depend much upon the example of England for the illustration and defence of our doctrines. But what facts do gentlemen adduce, to prove that England is really tired of the restrictive system, and willing to abandon it? Is it from the occasional declamation which we hear, and to which we have been referred, in the English Parliament; or is it from the letters of English commercial agents; or from essays in English newspapers and reviews, written designedly to mislead and bewilder other nations—particularly this country? Is it from sources like these that gentlemen have deduced the proposition that England is tired of her commercial system, (the restrictive system,) and willing to abandon it? England tired of her commercial system! Sir, it is a system so interwoven with every tissue and fibre of her existence, that the relaxation of a moment would seriously endanger its vitality. England tired of her commercial system! England is self-styled "the fast-anchored island"—"the mistress of the seas." Let her but abandon her commercial system, and the bark—the proud, proud bark—of her destinies will be driven, almost instantaneously, from its innumerable moorings, and soon dismantled and a wreck, with the billows of the ocean dashing over it! England tired of her commercial system! England is the Queen of Islands—the great mart of the commercial world. Let her but abandon her commercial system, and this day and generation shall not pass, before she shall become desolate and a waste, and present to history, like the Babylon of the Apocalypse, a mighty and memorable ruin, from age to age, forever. England tired of her commercial system! But, why should England be tired of her commercial system? Has it failed to accomplish any of the great objects for which it was established? On the contrary, has it not rendered her distinguished and wealthy and powerful beyond all example, and beyond all calculation? We are told in Eastern fables of gold unbounded—of riches inconceivable. We read in classic history of Plutus and Midas and the golden sands of Pactolus. But these fables—these brilliant dreams of poetry and romance—have been realized—ay, more than realized—by the commercial system of England. Her land is the land of palaces; her streams are richer than the sands of the Lydian river; and her commercial and manufacturing cities present wealth more abundant than the gold of the modern Ophir, or the multiplied productions of the hither and further India. But, with all her wealth, England is, notwithstanding, gentlemen observe, the land of debt irredeemable, of paupers, and taxation. True, sir, true; the result, however, of every cause rather than her protective system—of her ruinous and interminable wars; of the bitter blessings of legitimacy; of kings and courts and pensioners; and that all-pervading and unceasing spirit of parade and expenditure, which, by the perversion of public opinion, is regarded as indispensable for throwing a becoming splendor round the altar and the throne; and sustaining, what Burke has absurdly denominated the grace and majesty of a great people!

But, sir, the very fact that England has been enabled to accumulate her immense debt, and sustain herself under its tremendous pressure, appears to me to carry with it strong evidences of the extraordinary influences of her system upon the resources and wealth of nations. There are several facts which so strongly illustrate the results of her restrictive system, that I must be permitted to present them to the House. The revenue of England has amounted, in a single year, the Speaker has informed us, to four hundred millions of dollars! An unprecedented fact in financial history. Again, sir. The annual interest of the English national debt amounts, at present, to between one hundred and fifty and one hundred and sixty millions of dollars! a sum greatly exceeding the whole interest and principal of the national debt of this country; and which, moreover, is sufficient to provide for, and maintain comfortably at one great public table, the entire population of the United Kingdom forever! But, sir, there is another fact which exhibits the resources and wealth of England to an extent still more unprecedented and extraordinary. In 1798, when the genius of the modern Cæsar was carrying the victorious arms of the French Republic over Europe; at a moment when the excessive loaning system of Pitt had excited dismay and consternation throughout the moneyed circles, and the Kingdom itself seemed tottering upon the brink, if not of revolution, at least of some great convulsion—at this moment, I say, of universal despondency, the idea was conceived that the attitude of the nation might still be preserved, and the vast expenditures of the war successfully met by additional impositions upon the revenue and income of the people of England, or, in the language of the Exchequer, by creating the supplies within the year. The idea was adopted; England was thrown upon her own resources; and, in less than twenty-three years, in addition to the loans and the ordinary war taxes of the Kingdom, already carried to the supposed maximum of possible payment or endurance, upwards of three thousand millions of dollars were realized from the internal revenues of the Kingdom; a sum largely transcending the entire wealth dug, for ages past, from all the mines of all the world. A single remark more in relation to England. Contrast her situation, for a moment, with any other country that has pursued an opposite commercial system—with Spain, for example. England is, naturally, the land of mist and gloom; a comparatively barren island in the Northern ocean: Spain, the most delightful region in the temperate zone. Three hundred years ago Spain was rich and powerful—so much for the industry of the Saracens: England, poor and resourceless. About this period, they exchanged commercial systems, or rather, they adopted new ones; and the result, after the lapse of three centuries, is before the world. England sways a sceptre, compared with which, the power of the Roman Cæsars shrinks to nothing. But Spain—sir, it would be as possible to give form and stature, and flesh and blood, to the ashes of her ancient kings, as to extort, by any possible means of legislation, from the entire population of the Spanish monarchy, the ordinary revenue of England for a single year. And yet, sir, such is the result, the splendid, the magnificent, the almost inconceivable result, of a system which is so bitterly denounced, even in its least exceptionable parts, in its application to this country!

I will detain the House but a few moments longer. But, before I take my seat, I must be permitted to express my surprise and regret at the extraordinary excitement which the system under consideration has produced. It embraces no monopoly. On the contrary, there is not an article which it purports to protect, which time alone, unaided and unprotected, would not establish. No, sir. The policy of this bill, I mean the policy of efficient protection to the great objects of our industry, is no sickly exotic, whose miserable existence can only be sustained by unceasing nurture and protection, but the hardy native plant that, unassisted, attains slowly to maturity, but which strikes its roots deeply, and extends its branches loftily in proportion to the care and protection which we award to it.

The adversaries of the bill affect to regard it as a question, whether we shall, or shall not become, a manufacturing people. This is not the question. We are already a manufacturing people; the greatest, with the exception of France and England, in the world—at least in the Christian world. We manufacture, by computation, from one hundred to one hundred and fifty millions of dollars worth of fabrics—similar articles of which we imported, or the greater part of which we imported, before and since the Revolution, from England, France, and Holland. The monuments of our dependence upon the old world, are yet every where visible. Within our immediate vision stands a house (and such houses are found in all the Atlantic States,) built of imported materials, and constructed probably—for in many instances houses were so constructed—by European artificers. The progress indeed which we have made in every department of useful industry is unexampled. And if gentlemen would but look back and observe what we have accomplished for the last thirty years, by means of our own unassisted energies; and then look forward for the same period, and reflect upon what these energies—stimulated and sustained by protective laws, and operating on the rapid development of our internal wealth and resources, may and must accomplish, a single glance at the brilliant prospect would be sufficient—at least should be sufficient to remove all doubts—to extinguish all apprehensions, in relation to the policy under consideration.

But I despair of being able to direct the attention of gentlemen either to the past or the future. They are so deeply interested with the present moment, in combatting the shadows—the Gorgons and Chimeras, which imagination has conjured up from this bill, that both precedent and prospect are alike lost upon them.

But the bill is further denounced as a novel project—as a vast and wanton experiment—as a bill containing new and extraordinary principles. Sir, it is neither project nor experiment. It contains no new nor uncommon principles.

Its principles, indeed, are as ancient as history; and have been incorporated into the policy of every nation, distinguished for success in commerce or the arts. A novel project! Sir, it is the policy we combat—the unrestrictive system of modern economists, the dissolution of all tariffs—which is the real novelty of the day. A system captivating in theory, but totally inapplicable to the present state and temper of the commercial world. The age of free commerce, like the millenium of Patmos, the reign of universal peace, is evidently reserved for times less stern than ours. The temple of Janus, we may confidently predict, will be closed for the last time, and forever, among men, before its revolutions commence. But to close my remarks—What sir, is the real nature of the bill before us? of this "fearful, frightful bill?" of this "stamp act measure?" which is to be the precursor, if we are to credit the honorable gentleman from Virginia, (Mr. Randolph,) who immediately preceded me, of rebellion and revolution? of this "fire-brand," which is about to be thrown (not indeed into the Ottoman empire but) into a region of spirits infinitely more fiery and formidable than Turk or Greek—the South? What I demand is the real nature—the pervading spirit—the grand design of the bill before us? Sir, the full front and face of its offending, is this, and simply this, to secure to American industry, by a liberal, progressive, and protective tariff, the monopoly of our own resources—of that vast manufacturing material, which nature, in her munificence, has every where created around us, in immeasurable abundance.

I have nothing further to add, but to thank the House for its indulgence, and apologize for having trespassed so long upon its time.

Friday, April 16.

The Speaker presented a memorial of John Ross, George Lowrey, Major Ridge, and Elijah Hicks, delegates from the Cherokee nation of Indians, representing the unwillingness of the Cherokees to abandon the territory upon which they now reside, declaring their determination to pursue peaceably, agriculture, manufactures, and the mechanic arts, and praying that the General Government will protect their rights.—Referred to the Committee of the whole House on the state of the Union.

The Speaker also presented a petition, signed by Thomas Law, Walter Jones, and Elias B. Caldwell, a committee appointed at a public meeting of the citizens of Washington, praying the attention of Congress to the pecuniary embarrassment of the country, and the establishment of a national paper currency, as best calculated to remedy the evil.—Referred to the Committee of Ways and Means.

Mr. Webster, from the Committee on the Judiciary, reported a bill to divide the district of Kentucky into two judicial districts; which was read twice, and committed to a Committee of the Whole.

Mr. Rich, from the Committee of Claims, made a report on the petition of John Mitchell, accompanied with a bill for his relief; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. Gurley, the Committee on Public Lands were instructed to inquire into the expediency of relinquishing to the parish of West Baton Rouge, in Louisiana, the title of the United States to a tract of land containing about eight acres front on the Mississippi, for the purpose of making and keeping in repair a levee on said land.

Bills from the Senate, of the following titles, viz:

1st. An act for the relief of Hezekiah Langley and Benjamin M. Belt;

2d. An act for the relief of Thadeus Mayhew;

3d. An act for the relief of Ichabod Lord Skinner;

4th. An act to alter the times of holding the district court in the district of Missouri;

5th. An act for the relief of Thomas Hewes; were, severally, read the first and second time, and referred; the 1st, to the Committee of Claims; the 2d, to the Committee of Claims; the 3d, to the Committee on Roads and Canals; the 4th, to the Committee on the Judiciary; and the 5th, to the Committee of Ways and Means.

A Message from the Senate informed the House that the Senate have passed bills of the following titles, to vit: "An act for enclosing the burial ground of Christ Church, Washington parish;" "An act to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling house at the Balize, in the said State, for the use of the boarding officer at that place, and for other purposes;" "An act supplementary to an act of Congress, passed on the 30th day of June, 1812, entitled 'An act making further provision for settling the claims to land in the Territory of Missouri;'" "An act for the relief of Elijah Van Syckel, of Philadelphia;" and "An act for the relief of Thomas Shields;" in which bills the Senate ask the concurrence of this House.

Three Messages were received from the President of the United States, to wit:

FIRST.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of War, containing the information requested by a resolution of the House, dated 25th ultimo, showing the reason why the engineers appointed to examine the most suitable site for a national armory on the Western waters, have not made their report.

JAMES MONROE.

April 16, 1824.

The Message and report were laid upon the table.

SECOND.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 8th of April, requesting information whether the 5th section of the act of the 3d March, 1803, relating to a township of land, lying within John Cleve Symmes' patent, had been executed, and, if not, what reasons had prevented it, I transmit a report from the Secretary of the Treasury, which affords the information desired.

JAMES MONROE.

April 16, 1824.

The Message and report were laid upon the table.

THIRD.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of War, which contains the information requested by a resolution of the 8th instant, respecting the proposals that were made by certain Indians therein described, of the Cherokee nation, for the cession of their lands to the United States.

JAMES MONROE.

April 16, 1824.

The Message and report were committed to the Committee of the whole House on the state of the Union.

AFRICAN SLAVE TRADE.

Mr. Govan, from the committee to which was referred so much of the President's Message as relates to the suppression of the African slave trade, reported a bill respecting the slave trade; which was read twice, and committed to a Committee of the Whole. The bill is as follows:

Be it enacted, &c., That, from and after the passing of this law, if any citizen of the United States, or any person resident therein, shall, in any port or place whatsoever, build, or in any respect fit, equip, man, load, or otherwise prepare, or cause to be prepared, or in any respect fitted, equipped, manned, or otherwise prepared, or be in any respect concerned in equipping, manning, or preparing any ship or vessel, for the purpose of being employed in the slave trade, or in the transportation of slaves from any foreign port or place to any foreign port or place whatsoever, for the purpose aforesaid, every such citizen or other person, so offending, shall, on conviction, be punished by fine not exceeding five thousand dollars, and by imprisonment not exceeding seven years; and such ship or vessel, her tackle, apparel, furniture, provisions and cargo, on board thereof, shall be forfeited. And any citizen, or other person resident as aforesaid, who shall voluntarily serve on board such ship or vessel, or shall sail on board thereof, knowing the same to be intended to be employed in the slave trade, or in the transportation of slaves as aforesaid, shall, on conviction, be liable to be punished by fine not exceeding three thousand dollars, and by imprisonment not exceeding five years.

Sec. 2. *And be it further enacted,* That nothing in this act contained shall be construed to affect, or in any wise repeal, any acts hitherto passed for the prohibition or suppression of the slave trade; but the same acts, and every clause thereof, shall remain in full force, in the same manner as if this act had not been made.

CLAIM OF DANIEL D. TOMPKINS.

The report of the Committee of Ways and Means, on the claim of D. D. Tompkins, which, on motion of Mr. Cocke, was laid on the table a day or two ago, was taken up.

Mr. Cocke then moved to recommit the report to the Committee of Ways and Means, with instructions to report a bill. This motion he grounded on the fact that, to agree to the report of the committee, would only leave the matter where it was before. He proceeded to examine, in detail, the report of the committee, in part of which he said he cordially acquiesced, being willing to make every just, and even liberal allowance to this individual, and in other particulars of which he was of opinion the Government was not bound to make to Governor Tompkins any indemnification whatever. He specified the sort of allowances which he was disposed to make, and those to which he objected. He concluded his observations, by moving the instructions to the Committee of Ways and Means to report a bill, viz:

"1st. To authorize an allowance of interest on all moneys advanced by Daniel D. Tompkins on account of the United States, from the time of making the advances until its repayment.

"2d. To provide indemnity for actual losses sustained by him in consequence of the United States failing to furnish him with money and Treasury notes within the time stipulated, and on account of which failure the losses were sustained."

Mr. Floyd, of Virginia, made a few remarks expressive of his opinion, that the most liberal adjustment of the accounts of this officer should be made. He would not only settle his accounts liberally, he said, but, if within the powers of this House, he would vote him from the national funds any reasonable amount of compensation besides, for the eminent services he has rendered his country. This country must be reduced low, indeed, if it was not disposed to remunerate such services as his. Such a man as Daniel D. Tompkins was not always to be found when wanted. The virtue and integrity of that man led mainly to the fortunate termination of the war with Great Britain. He would not trammel the settlement of his accounts with the same checks and restrictions as are required upon the settlement of the accounts of a disbursing officer, acting under prescribed rules; for, when the United States had no credit, that individual had not spared his own—at a time, too, when, as our fleets were endeavoring to get to sea, there were men, in a neighboring State, who showed blue lights as a signal to the enemy. The destinies of this nation were, in a manner, in the hands of that man, and his patriotism and virtue saved us from disgrace and defeat, &c.

Mr. McLane suggested to the gentleman from Tennessee the propriety of a recommitment, with less limited instructions.

Mr. Cocke professed a desire to do every thing that justice should dictate to Governor Tompkins, and any modification of the instructions, compatible with that view of the subject, he was willing to assent to.

Mr. McLane then expressed his views of this subject. He considered it unfortunate that the subject had been again brought before the House, and was averse to a recommitment of it now, because it was at too late a period of the session to take up the subject *de novo*, and act upon it. He then stated what was the particular situation of the accounts of this gentleman, adverting to the act of Congress passed at the last session, and the principles of the report of the select committee on which that act was founded. At that time, he suggested, the subject of these accounts underwent an elaborate discussion. The question, whether or not it was proper to make an equitable settlement of the claims of Governor Tompkins, was then decided in the affirmative. If the House were now to undertake to resettle these claims, he did not know when any settlement of a principle by this House was to be considered conclusive. There must be some end to questions of this sort, and he was desirous that the same weight should be given to decisions on questions of right by Congress, as if the same decisions had been made in a court of justice. On the question of commissions, for which the President was disposed to make a liberal allowance to Governor Tompkins, and which the accounting officers were disposed to allow, on the principles usual in the settlement of ordinary accounts, Mr. McL. said, that Mr. Tompkins had procured for the Government, during the war, loans of money for the use of the Government to the amount of one million eight hundred thousand dollars, and had also disbursed those funds; and, without the aid which it thus received from this individual, every one must know that the operations of the war would have been exceedingly embarrassed. For this service, of borrowing and disbursement, it was proposed to allow him a commission of five per cent., which would make an amount of about $95,000. And of this amount, Mr. McL. said, there was a sum of $460,000, for which the Government had agreed to send to the Vice President Treasury notes to take up the personal notes which he had given for it. But the Treasury notes did not arrive until his own notes had become due and been protested, by which his credit was destroyed, to which, in a great degree, all the subsequent losses and misfortunes of this gentleman were to be attributed. The Committee of Ways and Means, Mr. McL. said, did not wish to reinvestigate this case, or they would have been disposed to recommend a more liberal allowance than was proposed. If instructed, however, by the House, it would be their duty to take it into consideration. He replied to some other suggestions of Mr. Cocke, as to the nature of the services rendered by Mr. Tompkins in the capacity of a Major General. If the gentleman had had an opportunity of becoming fully acquainted with the facts on the subject, he would have learned that his services, in that capacity, had been of great importance. On one occasion he had left his family, then in a deplorable situation, and departed in the night for the frontier, where he called forth the militia, and at that moment saved the country. The Committee of Ways and Means, he added, would have acceded to the propositions of the Vice President, in regard to the difference which now exists between him and the Government, if they had not considered the law of the last session so broad as to make any further legislation on the subject unnecessary.

Mr. Hamilton rose to testify to the fact of the Vice President having exercised military command during the war, which was within his personal knowledge.

The question was then taken on Mr. Cocke's motion, and decided in the negative by a large majority.

And the question was then taken on the report of the Committee of Ways and Means, referring the subject back to the final decision of the President, and decided in the affirmative, without a division.

THE TARIFF BILL.

The House then resumed the consideration of the bill for the revision of the several acts laying duties upon imports—the question being on Mr. Randolph's motion for the indefinite postponement of the bill.

Mr. McDuffie rose and said, the unsolicited indulgence of the House, to which he was indebted for the opportunity of presenting his views on this interesting subject to-day, instead of being compelled to perform that duty yesterday, under the fatigue and exhaustion of a long sitting, had laid him under obligations of which he was profoundly sensible. The only return, however, said Mr. McD., which I can promise, for the kindness thus shown to me, is the brevity of the remarks which I propose to offer. At so late a stage of this already protracted discussion, I cannot flatter myself with the expectation that I shall interest the attention of the House by the novelty of my arguments, but must be content to indulge the hope that I may not exhaust its patience by their prolixity.

During the progress of this debate upon the various questions which have arisen upon the details of the bill, I have studiously avoided entering into the consideration of the general principles and policy of the protecting system. And I have done so in compliance with this general rule, by which I have determined to regulate my conduct, so long as I have the honor of a seat upon this floor, never to consume the time of the House by discussing any question which is not distinctly before it for consideration. I have the less cause to regret having thus abstained on the present occasion, because it is now obvious that the subject has assumed more than its usual interest, as well from the crisis at which we have arrived, as from the peculiar circumstances under which the question is now presented to us. In all the various stages of our proceedings, we have still had before us the opportunity of reviewing our work. But the question being now on the passage of the bill, whatever decision we shall make upon it, will be, as to us, final and irrevocable. And we are called upon to give this final sanction to the measure, with the fact clearly ascertained, that it cannot be adopted but by a very small majority. Waiving, for a moment, any inquiry into the policy of protecting domestic manufactures, I put it to gentlemen to say whether prudence does not dictate, even to the most firm and independent statesman, that a measure laying very heavy burdens upon the whole community—a measure which, however we may speculate upon the subject, the people must sensibly feel—a measure which has already produced, in some parts of the Union, the most intense excitement, ought to be adopted with a bare majority of the national representatives in its favor? Sir, a Government emanating from the people, and responsible to public opinion, ought not to be indifferent to this prudential consideration. I do not profess to be minutely acquainted with the Parliamentary history of Great Britain; but I hazard little in asserting that no British Minister, in the height of his ascendency, would venture to pass even a tax bill for the public service, to the extent of this, with a majority so small as that which has ordered this bill to its third reading.

This measure, all agree, is part of a system intended to produce a great and fundamental change in the policy of the country—a change, to be effected by disturbing the relations which now exist between the different portions of the Union and the different classes of society. That such a change as this can be produced by legal regulations, operating, of necessity, as a tax upon the people, without exciting a strong feeling of popular discontent, not to say indignation, is an expectation which gentlemen delude themselves if they indulge. An acute and lively sensibility to every invasion, by Government, of the rights of property, is one of the strongest characteristics of freedom in modern times; and there is no people on earth more distinguished for it than the citizens of the United States. I therefore submit it, respectfully, to the consideration of the friends of the manufacturing interest themselves, whether there is not serious danger that a measure of this character, enacted by a lean majority, will produce a reaction among the people, which may result in the entire prostration of the system they are so anxious to foster and extend.

In soliciting the attention of the House to a very brief examination of the policy of this measure, it is far from my intention to enter into a formal dissertation upon the general principles of political economy. This is neither the place nor the occasion for such dissertations. My observations shall be confined to a practical examination of the question, in reference to the actual state of things in this country, assuming, as a basis, a few palpable and obvious principles, which have long ceased to be questionable in the estimation of the most enlightened philosophers and statesmen of Europe.

Whilst, sir, on the one hand I unequivocally deny, what is maintained by some, that manufacturing industry is, in itself, more profitable than agricultural or commercial, I distinctly disclaim the notion, maintained by others, that the pursuits of agriculture are more profitable than those of manufacture or commerce. All such notions are utterly erroneous and visionary, and are founded upon a misconception of what it is that constitutes wealth, and of the principles which regulate the distribution of capital and labor. What is wealth? The wealth of a nation consists in the abundance of those articles which administer to the necessities, the comforts, and the luxuries of life, according to the existing habits of society. It results from this, that a combination of the products of agriculture and of manufacture is essential to the wealth of a civilized community, such as exists in the United States. With the most unlimited abundance of the products of agriculture, we should be poor without the products of art; and with an equal abundance of manufactures, we should perish without the productions of the soil. It is conceded, on all hands, that we abound in articles of the latter description; and the only question to be debated is, how can we most advantageously obtain the former? Shall we fabricate them ourselves or import them from abroad? To the common understanding of mankind, it would seem to be a self-evident proposition that the cheapest mode of obtaining them is that which a nation ought to pursue, as it is certainly that which individuals would pursue, with a view to the promotion of their own interest. But here we are met with the argument that commerce is a barren and unproductive pursuit. A very few remarks will serve to refute this notion, which, when examined, will be found to be a mere verbal proposition. It is true that commerce does not produce either the one or the other of the elements of wealth, but it communicates value to both. Without commerce the surplus production, both of individuals and nations, would be utterly valueless. Of what value, for example, are the surplus productions of the manufactories of Manchester and Birmingham, either to us or to those who produce them, until, by the agency of commerce, they are brought to our stores and distributed to the consumers? It would be precisely as correct to say that their entire value is derived from commerce, as to maintain that its operations are unproductive. Either proposition would be equally absurd. While, therefore, I view any proposition, which asserts the superior productiveness of one of the great divisions of human industry over the others, as being not only erroneous, but absolutely unmeaning and unintelligible, I admit that the wealth of a community depends upon the maintenance of a due proportion between them. And the question for a practical statesman to determine is, how is this proportion to be maintained, so as to produce the greatest aggregate benefit to the community?

On this question, if I may be permitted, and I scarcely know whether I ought to venture upon it, I will lay down a general principle, upon the authority of Adam Smith, who, notwithstanding the terms of sweeping condemnation which have been applied to his speculations, has done more to enlighten the world on the science of political economy than any man of modern times. He is the founder of the science. All that has been since done is but a development or modification of the principles he established. What, then, is his great elementary principle? That labor and capital, if left to receive their direction from individual sagacity, will naturally seek, and speedily find, the most profitable employments. And this is founded upon the idea that individuals are more capable of forming a judgment as to what will promote their pecuniary interests, than the most enlightened Government can possibly be, from the very nature of things. This, however, is denounced as empty theory! Every thing, it seems, which does not result from legislation, from the officious restrictions of Government, is to be regarded as the operation of a ruinous theory. But, sir, I put it to the common sense and common observation of every gentleman in the House, whether this theory does not rest upon the most steady and immutable and powerful principles of human action—principles which never cease for a moment to actuate the great mass of every community. What stronger instinct belongs to the character of man than that which impels him to improve his condition? And what conceivable obliquity of perception can prevent him from discovering, upon a survey of the various pursuits which are open to him, that from which, with his peculiar capacities, he can derive the greatest profit? I can very well imagine the case of a rude and barbarous people, unaccustomed to the enjoyments of civilized life, in which a Government, despotic in its character, and rising much above the existing state of intelligence in the country over which it holds dominion, might produce great and beneficial changes in the pursuits of society by legal regulations. The Government, for example, which should conduct a people from the hunter to the shepherd state, or from the latter to the agricultural, would undoubtedly confer the most signal benefits upon the community. Such a change, however, could be accomplished only by a gradual improvement of the people, and by giving them a taste for comforts and luxuries to which they were unaccustomed. But, I will venture to say that there is not a people on the face of the earth to whom a policy of this kind would be so utterly inapplicable as to the people of these United States. What, sir, is their character? Is there a nation more acute, ingenious, or enterprising, more keen and sagacious in perceiving the avenues to profit, or more prompt and energetic to pursue them? Do they need the direction of this Government to indicate the way to individual prosperity? Shall we undertake to enlighten the capitalists of Boston as to the most profitable mode of investing their disengaged capital? They would laugh to scorn the folly and impotence of such officious dictation. It will scarcely be alleged that our people have not a taste for the products of manufacture. For all the productions of human industry—for all the articles, at least, of which we propose to encourage the domestic fabrication, the people of this country have perhaps too keen an appetite. Indeed, the complaint of the friends of this measure is, that they import them in too great abundance. No legislation, therefore, is necessary to create a demand for those articles. In such a state of things, the general principle is indisputably true, that capital and labor will naturally flow into the most profitable channels of industry, without the control of Government.

But, to this general principle I admit there is an exception, which I will candidly state. And here I will take leave leave to remark, that, anxious as I am to defeat this measure, which I believe would be ruinous to some portions of the Union, and beneficial to none; yet I would not, if I could, accomplish this object by stating any principle which I believe to be false. An elevated morality, which regards the establishment of correct principles as more important than victory, should characterize our deliberations here. I admit then that when from the revolutions of trade or the progress of society a crisis has occurred in which a great and fundamental change must take place in the distribution of the capital and labor of a nation, a wise, moderate, and cautious legislation may aid in effecting the change, and is even necessary to effect it in the manner most beneficial to the community. But, sir, if we attentively examine the principles upon which this proposition is founded, we shall perceive that useful legislation on this subject is confined to very narrow limits, and that there is much greater danger of doing harm by transcending these limits than by abstaining from legislative interference altogether.

What, then, are the principles upon which the interference of Government can be justified, in such a crisis as that to which I have alluded? In the first place, the habits of a community, operating with something like the force of laws, will induce an adherence to accustomed pursuits, after they have ceased to be profitable. But the principal ground upon which the protecting policy can in any case be justified, is the inability of infant manufacturing establishments to sustain a successful competition with their foreign rivals, even after the country has reached the point at which the domestic article can, with the experience of a few years, be fabricated cheaper than the foreign. And here, sir, the limit of the protecting system is distinctly indicated. It must be satisfactorily shown, that the protection sought is only temporary; and that, after a reasonable time is given to acquire experience and skill, and bring the domestic manufactories to perfection, they can furnish the domestic fabrics cheaper than similar fabrics could be obtained from abroad. Now, if we apply these principles to the actual protection heretofore extended to our domestic manufactures, it will be seen that the Government has already fulfilled its obligations to them, in the amplest manner. Gentlemen have argued this question as if the manufacturing interest of the country had been unjustly assailed by some foreign power, and Congress had manifested the most cruel indifference to their sufferings. But is there the slightest foundation for either of these assumptions? The only power with which our manufacturers have had permanently to contend, is the superior natural advantages of the foreign artisan; and I will now call the attention of the House to the protection which our establishments have actually received from this Government. I venture to assert, that since the commencement of the restrictive system in 1807, the manufacturers of this country have enjoyed an unusual and artificial stimulus from our legislation; and I am perfectly satisfied that it is this extraordinary stimulus that has given them that voracious appetite for prohibition which nothing, it seems, but the absolute protection of all rival articles can satiate.

Manufactures not protected! Why, sir, during the restrictive system, our commerce with the manufacturers of Europe was almost entirely annihilated, and our own manufacturers had little short of an absolute monopoly of the home market. And here, sir, let me call the attention of these practical gentlemen, who so contemptuously discard every theory but their own, to the effect of this restrictive system, upon the distribution of the capital and labor of the country. During the five years of commercial restrictions which preceded the war with Great Britain, when there must have existed in the country a superabundance of surplus capital, suddenly disengaged from commerce, we find that manufactures, notwithstanding they enjoyed the advantages of a prohibitory system, made but a very slow and gradual progress. If gentlemen would duly consult this portion of our experience, I think it would at least admonish them to have a little patience. They would see that, under any possible protection which legislation can provide, particularly in time of peace, when there is no extraordinary consumption of manufactures, these must, in the very nature of things, advance by slow degrees. It cannot be otherwise, unless we ascribe to an act of Congress the magical power of forcing on manufactures beyond the natural capacity of the country, either to produce or to pay for them. Yes, sir, it would be well for us to reflect that it is much more easy to diminish the consumption than to increase the production of manufactured articles, by prohibitory legislation. Such was undoubtedly the effect of the restrictive system. But the measure which gave the strongest impulse to our manufactures, was the war of 1812. And here it is worth remarking, that a war with England gives a stimulus to manufactures, which no other kind of protection can possibly afford. For, at the same time that it cuts off our trade with the nation that principally supplies us with manufactures, it compensates the diminished consumption of them by the people, by the extraordinary consumption of the Government. At the close of the war, the system of double duties was continued till 1816, when the existing tariff was enacted for the avowed purpose of sustaining those establishments which the war had brought into existence, against the extraordinary influx of foreign manufactures, resulting from the universal restoration of peace in Europe. And while I contend that the tariff of 1816 afforded a most liberal protection to the manufacturing interest, I most perfectly accord in the policy which dictated that measure. I distinctly recognise the principle, that, wherever large investments of capital have been made in consequence of a state of things produced by the necessary acts of the Government itself, the Government is under a moral obligation to extend to the interests, thus created, a reasonable protection.

But, sir, what is a reasonable protection in such a case? Can it be expected that the manufacturing interest is to be maintained permanently in the same degree of prosperity that it enjoyed during the war? That it is to be exempted from a participation in that general distress which has pervaded the whole community? This would not only be unreasonable, but utterly impracticable. Nothing but a perpetuation of the war could have accomplished so much for the manufacturers. What, sir, was the light in which the tariff of 1816 was viewed by the liberal statesmen who then supported it? It was intended merely to mitigate the shock which our manufacturing establishments must experience, in passing from a state of general war to a state of general peace. More than this was neither expected nor claimed by the manufacturers themselves. As the persons then engaged in the business had nobly sustained the war, gratitude mingled with justice in the policy adopted. But no intelligent man was so visionary as to expect that, when the ordinary channels of trade, so long obstructed, were suddenly opened, there could still be maintained, by artificial means, the same demand for domestic manufactures as before. It was apparent that many of the existing establishments must go down, and that neither the wisdom nor the folly of human legislation could possibly prevent it. And, sir, such has been the fact. Eight years of probation have elapsed since the passage of the existing tariff, and, if policy or humanity required it of us, it is now too late to relieve the distresses of those manufacturers who made their investments during the war. Those of them who have been enabled to sustain themselves till this time, under the extraordinary pressure of the four or five years immediately succeeding 1816, when the country was almost literally overwhelmed with the surplus manufactures of foreign establishments, can certainly maintain themselves now, when foreign commerce is rapidly returning to its ordinary channels, and contracting within its proper limits. Those who have passed through the furnace, do not require to be protected from the ordinary heat of the sun. And it is a fact that they now stand firm, and constitute the most prosperous interest of the country. As to those who were swept away during the disastrous period to which I have alluded, they are irretrievably destroyed, and beyond the reach of our remedies, unless, indeed, we had the power of producing a resurrection by an act of legislation.

It is obvious, then, that the protection of these establishments, which originated in the war, is not the object of the present bill. It does not even assume this modesty of pretension. Doctrines are now advanced, which never entered into the conception of those who advocated the tariff of 1816—doctrines which, though maintained by gentlemen who have waged a special war of sneers and sarcasms against the theories of political economy, throw into the shade the boldest theories of the French economists. We are now told that it is the duty of a paternal Government not only to protect existing interests against extraordinary reverses which it has contributed to produce, but to create new manufactures and new pursuits, by the mere energy of legislation. The people, it is said, are absolutely idle and in wretchedness, for the want of employment; and a gentleman from New York, (Mr. Wood,) who often edifies the House by his philosophical speculations, has told us, if I understood him correctly, that 30 per cent. of our population are actually in idleness for the want of pursuits tc which their labor can be applied. These three millions of people, who are thus destitute of employment, as the gentleman has demonstrated by statistical tables and mathematical calculations, (the obvious and palpable facts to the contrary notwithstanding,) are to obtain employment by the notable expedient of an act of Congress!

[Mr. Wood here explained. His argument was, he said, that thirty-three per cent. of our population produce no more than fifteen per cent. ought to do. Thirteen and a half per cent. only of our population, he calculated, was absolutely employed in productive industry, and in this proportion was included the army, navy, and public officers, amounting to three and a half per cent.]

I am glad, resumed Mr. McDuffie, that the gentleman has removed an erroneous impression from my mind as to the *extent* of his argument. But, even modified and limited as it now stands, it will be difficult to make it pass current for a *practical* argument. Is it in the power of tables and calculations to make any man seriously believe, in opposition to the evidence of his own senses, and to the result of his general observation and knowledge of the country, that one million of our population are not only idle, but destitute of employment? Shall we be told, in a country like this, abounding with almost interminable wilds of fertile lands, that a tithe of the people are suffering for the want of something to do? Sir, there are innumerable avenues to employment in this country, and if any man were to make his complaint to me that he was without employment, I could tell him simply *to go to work.* That is the obvious remedy, a remedy in the reach of every one; and, if it were more generally pursued, there must soon be an end of this wretched and delusive dependence upon the quackery of legislation for employment. Sir, I boldly assert that there is not a single individual in the vast extent of this Republic, that cannot readily obtain, not only employment, but such an employment as will enable him to improve his condition. This is the only country on earth where a common laborer, of industry and enterprise, can, in the course of an ordinary lifetime, besides comfortably supporting himself and his family, leave to his children an inheritance of real estate: and, with these facts staring us in the face, we are required to believe, on the authority of tabular statements, that the people can only be saved from suffering and discontent, by the adoption of this measure, to provide them with employment. The gentleman from New York, by way of confirming his general conclusion, has stated that the wages of a laborer in his vicinity, is only twelve and a half cents a day. In answer to this, I can only say to the gentleman, that, if his distressed neighbors will only make a transition from Long Island to any other point in the whole Union, even the most unfavorable, I will be responsible for their obtaining fifty cents per day. But, as the cry of distress has been reiterated until it has made a strong impression upon the country, I beg leave to recur, with a view to illustrate and enforce them, to some remarks which I offered during the discussion of the duty on cotton bagging. I believe the causes of the disease, and the tendency of the proposed remedy, to be equally misconceived, as to some portions, at least, of the Union. I stated, on the occasion to which I have referred, that the distresses of the country, such as they were, resulted from the change of circumstances occasioned by passing from a state of war to a state of peace, in connexion with the excessive issues of bank paper, which threw forward and increased the pressure of the evil. During the war, there was a considerable proportion of our population—those engaged in the military service of the country—who consumed the products of the grain-growing States, but produced nothing. All those States which were near the theatre of war, found a ready market, and high money prices for their grain. To them the war was therefore a source of prosperity, and peace was, in one sense of the word, regarded as a calamity. And whence do we now hear the loudest complaints of distress? Whence come the most strenuous demands for the passage of this bill? From the very points of the Union which enjoyed the advantages of a war demand and war prices for their produce—New York, Pennsylvania, and the Western country. You cannot define the boundaries of any State more accurately, than you can trace the limits of the region of country favorable to this tariff, by the positions of our armies in the late war, and the multiplication of banks during that contest, and since its termination. Pennsylvania and the Western States supplied the Northwestern army, and I believe the Government paid as high as one hundred dollars per barrel, at the theatre of war, for flour purchased in Ohio; a State now unanimous for this tariff. New York, every one knows, was in the immediate neighborhood of extensive and permanent military operations, and supplied numerous armies with provisions. Now, it happens that the very States I have enumerated, have been most afflicted with the curse of banks that did not pay specie, (a delusive expedient to perpetuate the war prices and war prosperity,) and have also been most earnest and persevering in their appeals to this Government for protection. New England, and the Southern States, on the contrary—States which sustained the privations of the war without the same mitigating circumstances, and from necessity regulated their enjoyments by the rules of a severe and self-denying economy, are now to be subjected to an onerous taxation—and for what? Not to relieve the other States from positive distress, but to restore certain interests in them, to the state of artificial prosperity which they enjoyed during the war. During the whole period of that contest, the Southern country was deprived of a market for its great staples, and there was nothing in the military operations of the Government to compensate the loss. Even if the people had devoted themselves to the growing of grain, there were no armies in the field to consume it, and that, like their cotton and tobacco, would have remained without a market. In this state of things they not only ceased to make any progress in wealth, but were compelled to contract their accustomed expenses, and use an economy before unknown to them, to provide a decent maintenance for their families. These habits made the return of peace, to them, the harbinger of prosperity. It is a dispensation of justice resulting from the very nature of things, that those who suffer the greatest privations in war, shall be least affected by the changes resulting from the restoration of peace.

But, sir, I will venture to assert, that the Middle and Western States have, at this moment, as large a share of the means of positive enjoyment as any other portion of the Union. Their distresses are relative, and in a great degree imaginary. It is not what they *are*, but what they *were*, that causes the prevailing discontent. The reduction of an inflated currency has reduced the nominal price of property; and the man who, a few years past, estimated his wealth at fifty thousand dollars, and now finds it only twenty-five, complains of his distresses as though he were in want of the necessaries of life. I admit that the Western people are *embarrassed*, but I deny that they are *distressed*, in any other sense of the word. Where is the evidence of actual suffering? In some of the Western States, I am informed, they have no poor laws at all, and such a being as a pauper is scarcely known. Regarding, therefore, the aggregate enjoyments of the whole community as the true criterion of national happiness, I should select the Western States as the part of the Union where the highest degree of prosperity prevailed. Indeed, sir, I believe there is not on the face of the earth a region of country of equal extent, where so few are suffering from poverty, and where the means of comfortable subsistence so abundantly reward the toil of the laborer. It is not distress, I repeat it, but discontent, that has excited this rage for creating wealth by legislation. To prove this, I will advert to another standard of prosperity, referred to, very unfortunately, I think, for his own purposes by the honorable gentleman from New York, to whom I before alluded. He told us that the prosperity of a nation was indicated by the increase of its population; and then favored us with a beautiful disquisition on the comforts of matrimony, and the duty of a Government to promote it. I perfectly accord with these views of the honorable member; but I must be permitted to say, that, according to the criterion to which he has referred, there is no other nation so prosperous as the United States, and no part of the Union so prosperous as that from which we hear so much about their distresses. And if the honorable member wishes to promote the cause of matrimony, I would advise him to send his twelve-and-a-half cents per day laborers to the Western country. What, sir! a country which doubles its population in ten years, call upon the Government to relieve it from distress, by creating new employments! The thing will not bear examination. The historian will scarcely be credited, in future time, who ventures to record it. Permit me to call the attention of the House to a few facts, illustrative of this part of the subject, which I am sure will not be disputed. In the States where the public lands are in market, you can purchase land of the first quality for one dollar and fifty cents—one dollar and twenty-five cents, says a gentleman near me—when land of the same quality is worth, in some parts of the Union, fifty dollars per acre. This single fact speaks more than volumes of declamation on the subject of popular suffering. Indeed, it may be safely asserted, parodoxical as it may seem, that the imaginary distresses of the Western country proceed from the very abundance in which they possess the primary aliment of national wealth. What is their complaint? Not, as one would suppose, the scarcity, but the superabundance of the necessaries of life. And here, I will observe, that nothing, in my opinion, has contributed more to the existing derangement in the elements of wealth in the Western States, than bringing the public lands into market injudiciously, and without any regard to the existing demand. The inevitable tendency of this policy, by overstocking the market, is, to reduce lands to the minimum price; and if that were fixed at fifty cents per acre, the land would command no more. The consequence is, that the people purchase large quantities of productive lands, which have all the constituents of value, but scarcity. And, because they have not every thing else in proportion, they are discontented and restless. And I will avail myself of this occasion to declare, that I never will give my vote to bring another acre of the public lands into the market, but under the strongest conviction that there is a fair and natural demand for it. Our very system converts our land into a mere drug in the market, and the people into speculators.

I will now take the liberty of addressing a few words especially to the Representatives of the

West, on the subject of their own interests. A subject upon which I certainly will not presume to instruct them. But I am sure they will excuse a friendly admonition, when I state the particular topic to which it relates. I am well assured that the permanent prosperity of the West depends more upon the improvement of the means of transporting their produce to market, and of receiving the returns, than upon every other subject to which the legislation of this Government can be directed.

On measures of this description, I have heretofore given them my earnest and cordial support. Most of my colleagues, and many others, who represent the Southern portion of the Union, have pursued the same course. As for myself, nothing will induce me to change my views or conduct on the subject; but I submit it to the dispassionate consideration of the Western gentlemen, whether there is not danger, that, by urging upon us a system which we believe to be oppressive, they will alienate the kind feelings of the portion of the country to which I have alluded, and lose its co-operation in relation to that system of internal improvements, which, in my opinion, is of more importance to the West than all the tariffs that can be passed in half a century.

I will also present another view of certain interests of the West, which are intimately connected with the portion of the country I have the honor to represent.

Gentlemen are aware that a very profitable trade is carried on by their constituents with the Southern country, in live stock of all descriptions, which they drive over the mountains and sell for cash. This extensive trade, which, from its peculiar character, more easily overcomes the difficulties of transportation than any that can be substituted in its place, is about to be put in jeopardy for the conjectural benefits of this measure. When I say this trade is about to be put in jeopardy, I do not speak unadvisedly. I am perfectly convinced, that, if this bill passes, it will have the effect of inducing the people of the South, partly from the feeling, and partly from the necessity growing out of it, to raise within themselves, the live stock which they now purchase from the West. It is at least certain that more will be lost in this trade, than is gained in that of cotton bagging.

I will now attempt to show that the progress which our manufactures have made, and are now making, is as rapid as they can make consistently either with their own prosperity or that of the country. And I must be excused for saying that the attempt to make this a great manufacturing nation, suddenly, and by a single sweep of legislation, is more indicative of restlessness than of wisdom. The country seems to me to have been excited to that kind of feeling which actuates an individual speculator—a vain desire to become wealthy by a bold dash, but utterly regardless of the maxims of prudence, and the habits of industry and economy, which are indispensable to the attainment of his object. The friends of this measure appear to me to have overlooked entirely these practical considerations, upon which the policy of such a measure as this must depend. The progress of manufactures must be regulated, not by our desires, but by our capacities. Now, I believe there is no proposition, in which the gentlemen who are best informed on the subject of manufactures will more generally concur, than that it is essential to their own prosperity that their progress should be slow and gradual. Their success depends mainly upon capital and skill; and it is utterly impossible that they can advance, prosperously, faster than the one is accumulated, and the other acquired. And when I speak of capital as being essential to the progress of manufactures, I mean surplus capital—capital which does not find a ready employment in the pre-existing pursuits which have produced it. It is in vain that gentlemen tell us we have capital, unless they can show that it is disengaged, and seeking investment. And here I will remark to the gentlemen from the Western States, and the interior of the Middle States, who are the most strenuous advocates of this measure, that they cannot participate, to any considerable extent, in the advantages which are anticipated from this system. Sir, if you were to prohibit commerce altogether, manufactures would follow capital; and Boston, Providence, and Philadelphia, the points at which there is the greatest accumulation of it, and the greatest difficulty of investment, would realize the principal part of the benefit resulting from the restriction. Before the interior of the Middle States or the Western States can hope to enjoy the advantages of this system, they must be protected not only against foreign competition, but against that of New England. But I have heard it contended, and I believe the argument has weight, in the estimation of many, that the Boston manufacturers are opposed to this bill, because they dread the domestic competition that it will rear up. There cannot be a notion more absolutely fallacious than this, as will be seen upon a moment's examination. It assumes that the Boston manufacturers, who flourish in defiance of foreign competition, cannot compete with those domestic rivals who are now claiming the protection of the Government, and who admit that they cannot sustain the foreign competition! This involves the absolute inconsistency that the weaker rival is more to be dreaded than the more powerful.

Sir, I repeat it, that almost the entire benefit of any protection you can extend to manufactures, will be engrossed by those portions of the Union to which I have referred, as having superior advantages for that business. But I shall be told that manufactories do already exist in the interior of the Middle States, and in some of the Western States. But upon what principles and under what circumstances have most of those establishments grown up? And what is the extent of the market they can command? To this inquiry I ask the attention of the House for a few minutes. I maintain, sir, that the manufactories to which I have just alluded, have risen up and flourish because they enjoy a sort of local monopoly, and that they cannot command a market beyond the sphere of that monopoly. I will advert, for the purpose of explaining this view of the subject, to what was said very correctly by the Speaker the other day—that it was better for a people, abounding in the products of the soil, to give a high price for manufactured articles, provided they could thereby obtain a market for their produce, than to obtain manufactures at much lower prices, from those who would not take produce in exchange for them. Take, for example, any district of country in the interior, producing a large surplus of grain, which the foreign manufacturer will not take in exchange for his fabrics. Is it not obvious that the manufacturer who would, under these circumstances, erect his establishment in the supposed district, and take the products of the soil in exchange for his manufactures, would enjoy a perfect monopoly of the local market, and be absolutely free from foreign competition? The farmer has nothing to give but grain. This the foreign manufacturer will not take. It is to no purpose, therefore, that the foreign fabric can be purchased cheaper, if the only thing the farmer has to give will not be taken in exchange for it. And, on the other hand, the farmer can well afford to give a higher price to the domestic manufacturer, who will give him a good price for his grain. To present the same idea in another view, the value of any given trade depends as much upon the highness of the price of what is sold, as upon the lowness of the price of what is bought. It results, therefore, that the foreign manufacturer, who will not take the produce of the farmer at any price, must be absolutely excluded from the competition with the domestic manufacturer, provided the latter will take it, even at a very low price. It is upon the same principle, that, within a very small sphere, even household manufactures, in one sense the dearest of any, can hold a competition with those made by the most perfect machinery. The error of the argument, however, which has been founded upon the foregoing principles, consists in the assumption that the manufactures, thus sustained by local monopolies, can, under the protection of this bill, maintain a competition in distant markets, beyond the sphere of the monopoly. But that is impossible. In fact this bill can have no effect at all in favor of those manufactures; for how can they be benefited by excluding foreign manufactures that never come in competition with them? As to the more distant markets, those which are now supplied by foreign commerce, nothing is more certain than that the manufacturers of Boston, Rhode Island, and Philadelphia, will occupy them.

That our domestic manufactures cannot hold a successful competition with those of other nations, except at the points of the Union most eligibly situated, and, consequently, that the attempt to make this a manufacturing country, in a much greater extent than it is already, is unwise and impracticable, will be apparent, from a few considerations, to which I solicit the attention of the House. In all those manufactures which principally result from manual labor—such, for example, as iron—the high price of labor here, which is the most conclusive evidence of our prosperity, renders it impossible that we can maintain a competition with foreigners. It was stated by a gentleman from Kentucky, on a former occasion, that our citizens labored but eight hours a day, whereas the manufacturers of Inverness and Dundee labored sixteen. And, he asked, emphatically, if we were disposed to compel our population to labor sixteen hours per day, also? I answer, no. But is it not evident that, if our manufacturers labor only eight hours a day, they cannot compete with the foreign manufacturer, who labors sixteen, even if they are equally skilful? Can leisure contend with industry, unless you give it a premium? I do not complain that our citizens devote less time to labor than the people of other countries. I rejoice, on the contrary, that they can live more comfortably than any other people, with half the labor. But I do complain of this attempt to divert their industry into pursuits, in which they must either double their exertions, be involved in ruin, or receive a bounty at the expense of the country. Indeed, the admitted fact, that a common laborer in this country receives double the wages that a common laborer receives in the most favored nations of Europe, and labors little more than half the time, conclusively demonstrates the impolicy of protecting, by duties, those manufactures, of the price of which labor is the principal constituent.

But, sir, I admit that, owing to the improved state of the machinery by which most of the articles we import are fabricated, (those manufactured of wool and cotton,) labor constitutes a very inconsiderable item in their cost. In determining, therefore, the question how far such manufactures can successfully contend with foreign competition, more depends upon the price of capital than upon the price of labor. How, then, stands the comparison between this country and England, assuming the rate of interest as the standard of that comparison? The rate of interest in this country is higher than it is in England, in the proportion of about five to three. The English manufacturer, therefore, has the decided advantage, indicated by this proportion, over the American, so far as capital is concerned; and a much greater advantage, so far as labor enters into the estimate. And these are advantages against which we should have to contend, even if our machinery and skill were equal to those of our foreign rivals. The only circumstances which can tend to counterbalance the disadvantages under which we thus labor, are the superior cheapness of the raw material, and the saving of the charges of transportation, which are incurred upon the imported manufacture. The former advantage exists only in the case of manufactures of cotton; and the latter is quite inconsiderable, owing to the very small bulk of the articles imported, in proportion to their value. The two circumstances taken together, will not put us on a footing of equality with the British, even in relation to cotton fabrics. But, as relates to woollens, as we are laying a high duty on the raw material, the advantage will be on the side of the British manufacturer, in all the constituents of the price of his fabric, the transportation excepted. In this comparative view, I have not taken into consideration the duties imposed upon foreign manufactures, because my object is to compare and estimate the natural advantages of this country, and that from which its principal importations are made, for prosecuting the manufacturing business. For, it is only when the natural advantages of our own country are not decidedly inferior to those of the country which supplies us, that the application of artificial or legislative aids can be expedient.

Now, we cannot disguise the fact that Great Britain has a decided ascendency over us in the aggregate of natural advantages for manufactures. She has a vast surplus capital, the accumulation of centuries. We have very little capital that is not readily absorbed, either in the business which produces it, or in some of the preexisting pursuits of the country. She has a crowded population, driven, from the necessity of their circumstances, to labor for a bare subsistence. We have a population thinly scattered over a vast and fertile territory, capable of sustaining ten times the number of human beings that now inhabit it. While these permanent natural advantages are against us, advantages resulting essentially from time and the progress of population, and which nothing but time and the progress of population can counteract; it is in vain that we attempt to legislate ourselves into a great manufacturing nation. Nature rises up against it, and every attempt to countervail her laws must be impotent. I admit that it is possible to bring our machinery to perfection, and to acquire manufacturing skill in a comparatively short time. These results may illustrate the power of genius. But what human power can suddenly give this nation an accumulated surplus capital, and a crowded population; or, in other words, convert a young country into an old one? We have all the advantages of a youthful and growing nation; and, if we were wise, we would be satisfied with our lot. But we vainly aspire to attain the advantages peculiar to an old nation, without participating in the disadvantages of age. If capital could be obtained at three per cent., and labor for half its present price, as they may be a century hence, I have no doubt we could surpass the British manufacturers in the excellence and cheapness of their fabrics. But would any one purchase success upon such conditions? In other words, would any one consent to reduce the income of every capitalist in the country thirty-five per cent., and of every laborer fifty, for the mere purpose of enabling our own manufacturers to undersell the British in our own markets?

But, sir, even if it were true, that the interest of this country required that we should give an additional encouragement to manufactures, I think it can be shown that this is almost as injudicious a measure as could be devised for that object. It is obvious that the cotton and woollen are the only manufactures of any importance, which can claim to be protected, consistently with the general interest of the country. These are made by machinery; and nothing is more certain than that it is such manufactures only, that we can hope to make as cheap as we can import them. Now, let us examine the provisions of this bill, as they bear upon these two descriptions of manufacture. As to cotton fabrics, no protection is claimed by those manufacturers who have made the largest investments, and have the deepest interest in them: but protection is obtruded upon them by the officious kindness of those, who, it seems, understand their interest better than they do themselves. But as to woollen fabrics, although they are protected by ultimate increase of twelve and a half per cent. duty, yet this is fully counterbalanced by the ultimate increase of forty-five per cent. duty on the raw material. There cannot be a greater inconsistency than that in a bill professedly designed for the protection of domestic manufactures, the raw material of one of the most important of those manufactures should be subject to a much higher duty than the manufactures themselves! And here I will advert to an authority which has not only escaped the denunciations of the advocates of this measure, but received their most unqualified eulogies—I mean the authority of Alexander Hamilton —of whom, whatever odium the party conflicts of his time may have cast upon his political character, I will say, that this country has never produced a statesman of higher endowments. And although I widely differ with him as to what are said to have been his views of the principles of our Government, yet none of his contemporaries, unless Washington be an exception, entertained more profound and correct views of its policy. The name of Hamilton has been introduced into this discussion, as a sanction to the heterogeneous provisions of this bill. I wish to God, sir, he were living and present, to vindicate himself from so unjust an imputation! Recurring to his recorded opinions, what does he recommend? That a heavy duty should be laid upon unmanufactured wool? The very reverse. He recommended not only that it should be imported duty free, but that a bounty should be given upon the importation. If you really desire to promote and protect domestic manufactures, it is our true policy to encourage, instead of discouraging, the importation of the raw material, so that the manufacturer may obtain it as cheap as practicable. But instead of this, you absolutely lay almost a prohibitory duty upon the raw material. Upon what can this be founded, unless upon the erroneous and unjustifiable policy of buying up different interests to insure the passage of the bill? I presume I may use this language without offence, as some gentlemen have distinctly avowed that they view this measure as a compromise of interests; or, in other words, that one provision is to be regarded as the consideration for another. But, sir, I do most earnestly protest against this principle, as one of the most dangerous that can be introduced into our legislation. Each provision should stand upon its own separate and distinct merits, and if it cannot be sustained in this way, it ought to be abandoned. But, in relation to this article of wool, it is a mistaken notion to suppose that you really promote the interest, even of the wool grower, by laying a heavy duty upon foreign wool. The only effectual mode of benefiting the wool-grower, is to increase the domestic manufacture, and, consequently, the demand for wool; but you defeat this object precisely in the degree that you increase the duty on the raw material. Great Britain has recently made an experiment upon this very subject, which is not unworthy of our attention. The Chancellor of the Exchequer, with a view to reconcile the landed interest to a considerable increase of taxes, laid a duty of six pence per pound on foreign wool, which has, theretofore, been subject to a nominal duty only. The consequence was, that the export of woollen manufactures was rapidly reduced, the market for domestic wool, and consequently its price, were diminished, and all the interests connected with wool were seriously injured.

But, sir, there are various other articles embraced in this bill, the duty upon which, so far from promoting manufactures, will operate directly against them. Iron, which enters largely into the cost of the machinery used in all the manufacturing establishments—and hemp, a raw material used in various manufactures, which we propose to encourage, are considered by the friends of this measure as two of the leading articles entitled to the protection of Government. Indeed, we are told that this is not a bill for the protection of manufactures merely, but for the protection of home industry. The argument is, that we ought to discourage, by duties, the importation of every article which can be produced at home, whether it be the product of manufacture or agriculture. Sir, there never prevailed in an enlightened body so perfect a delusion. It assumes that foreign commerce is a national evil, that every nation that can furnish us with the articles we consume cheaper than we can make them, is an enemy to our prosperity; and, in a word, that we should be more prosperous and wealthy, if there were no country in existence but our own. Disguise it as you may, sir, this scheme of protecting home industry in the general, without reference to the kind, involves the almost entire annihilation of foreign commerce. It embraces within its proscription, as I stated on a former occasion, almost every important article of human consumption. When it is urged that too much of our capital and labor are applied to agricultural pursuits, and that we ought to encourage manufactures, because we have not a due proportion of our industry devoted to that essential branch of national wealth; though I believe that existing laws and the natural course of things, will afford all the encouragement that ought to be desired; yet I can understand the argument. It is not only intelligible, but plausible. But when it is contended that we must protect and encourage, by duties on rival productions, not only manufacturing industry, of which it is alleged we have too little, but agricultural, of which we have too much, I confess myself utterly at a loss to comprehend what is the practical end at which gentlemen are aiming. But, whatever may be their aim, it is certain that the result of their system would be the destruction of commerce. If we make every thing we consume at home, we will, of course, import nothing; and if we import nothing, it is a self-evident proposition that we can export nothing.

Sir, we have been urged to the adoption of this measure by the highest considerations that can be addressed to the patriotic spirit of a free people—we have been told that it is essential to the independence of the country and the defensive power of the Government. No man can be more sensible to these considerations than I am; and by no one, I believe, have they been more sincerely and anxiously regarded. There is no sacrifice essential to the independence and safety of the country that I would not make. I would disdain the huckstering spirit that would even count the cost of these objects. But, if I am not greatly in error, the bearing of this measure upon our independence and safety as a nation, is precisely the reverse of what gentlemen have supposed. I believe there is no proposition relative to the policy of this country, in which politicians of all parties so generally concur, as that the Navy is the most important arm of our defence. Now, the naval power of the country absolutely depends upon its commerce and navigation; and you impair the one precisely in the proportion that you diminish the others. The sailors who fight your battles in war, must be trained in your merchant ships during peace. You may build ships, but you cannot make sailors, upon an emergency. How, then, stands the argument on the subject of national defence and national independence? In order to provide iron, and hemp, and clothing—articles of which the production could be increased so as to meet all the demands of the country in six months from the declaration of war—you destroy the elements of our naval power, which cannot exist in war, if they are not created in peace, by the slow and gradual operation of commerce.

But we have been informed, in the course of this debate, that this measure will have the effect rather to increase than diminish our foreign commerce! A most extraordinary anticipation, certainly; and it requires the most unlimited faith in the efficacy of political nostrums, to believe it can be realized. Our commerce now consists in exchanging the productions of our soil for the manufactures and peculiar productions of other countries. The great mass of our imports consists of manufactures.

Now, the professed object of this measure is to provide a substitute for foreign manufactures, and thereby prevent their importation. Is it not self-evident, then, that you will diminish our existing commerce precisely to the extent that you augment your domestic manufactures? But this wonder-working bill, it seems, is to furnish a substitute for those branches of our foreign commerce that it will destroy. If any thing, on such a subject, is susceptible of demonstration, I think it is the delusiveness of such an expectation. Of what, I ask, is this new commerce to consist? It will be at once perceived that it cannot exist without new articles, both of exportation and importation.

What, then, shall we be enabled to export that we do not now? Manufactures, it is said. But, can it be seriously contended that manufactures, which cannot hold a competition with the foreign in our own markets, with the heavy duties which have existed for the last eight years, but require the additional protection provided in this bill, can maintain a successful competition in foreign markets? In other words, when, with an average protection (including duties and transportation) of at least thirty per cent., we cannot command the home market, how is it possible that we can command the foreign markets, in which we shall have no such protection? I do pronounce it to be absolutely a visionary expectation. For at least half a century to come, the British manufacturers will exclude us from foreign markets. A few occasional exceptions, resulting from peculiar circumstances, do not weaken the general proposition.

But, another inquiry remains to be made in relation to the commerce which is to compensate for that which we destroy. What description of articles shall we import in this new commerce? It cannot be manufactures, for our policy excludes these of course. They are to be our exports under this new system. What, then, shall we import? The productions of the soil? These, we are told, are superabundant, and literally rotting on our hands for the want of a market. This new commerce, then, is to realize the splendid but empty vision of exporting every thing and importing nothing! By such a commerce, we should certainly avoid one evil which haunts the imaginations of some gentlemen: The balance of trade would never be against us. But, sir, let us examine this subject a little more minutely. It is said we shall export our manufactures to South America. There we shall come in competition with British manufactures. Admitting, for a moment, that we could sell our manufactures as cheap as the British could sell theirs in the markets of South America, yet we should be excluded, because that country produces nothing that we want, but precisely that which our rivals want. The great staple of South America will be unmanufactured cotton, which is the great staple of this country also. And nothing can be more idle than to calculate upon a profitable commerce, or, indeed, any commerce at all, between two countries that produce precisely the same articles for exportation. The argument, therefore, that our commerce will not be diminished by this system, is, in my judgment, utterly fallacious. And even if it were true, in point of fact, that a new commerce could be substituted for that which we cut off, it would only be giving up a natural and profitable, for a forced and unprofitable trade. And here I will remark that there seems to be a palpable inconsistency in the arguments of the advocates of this measure. They tell us, in one breath, that their object is to relieve the country from its dependence on foreign commerce, and in the next, that our foreign commerce will be increased. If this latter proposition be true, our dependence on foreign commerce will be greater under the proposed system than it now is. And, unless it can be shown that this measure will produce two opposite and inconsistent effects at the same time, it will be difficult to make out the proposition that our commerce will be increased, and our dependence on commerce diminished.

I will now invite the attention of the House to a few remarks as to the practical operation of this bill upon the community. Whatever may be its effect upon domestic manufactures, I speak advisedly when I say it will operate as a tax upon the people to the extent of at least four millions of dollars. And whether the proceeds of this tax shall go into the national Treasury or into the pockets of individuals, the thing about which there can be no doubt, is, that the tax will be paid by the people. If it shall operate merely as a revenue measure, it will not benefit the manufacturers, and is subject to the objection that it is unnecessary, and therefore oppressive, taxation. If it shall operate to exclude foreign manufactures, it is liable to the still greater objection of being not only an oppressive, but an unproductive tax. The people pay, but the Government does not receive. In point of fact, it will probably, for a short time, operate partly as a productive, and partly as an unproductive, tax; partly as an increase of the revenue, and partly as a bounty to the manufacturing interest. But we are advised to submit quietly to these burdens, and to be satisfied with the assurance that we shall, at some future time, obtain the domestic manufacture as cheap as we can import the foreign. Let us examine this idea for a moment. And I would remark, at the threshold of the examination, that it is not sufficient for gentlemen to show that the articles for which they claim protection can be made at home *as cheap* as they can be imported from abroad under our system of revenue duties; but they must further show that they can be made as cheap as the foreign articles could be imported if there were no revenue duties levied upon them. Suppose, for example, that the gentlemen could clearly make out their case, that all the manufactures we import can be made at home precisely as cheap as we *now* import them, but no cheaper; and, to make the illustration more complete, suppose that they actually were made at home, and that the foreign importation had ceased. What would be the result? It is true we should obtain the articles as cheap as we do now, but we should lose the whole revenue of the country derived from imposts, and be compelled to resort to other sources of revenue. Even, therefore, in the case supposed, the country would sacrifice above fifteen millions of dollars per annum at the shrine of this anti-commercial system. And this is the strongest case which can be supposed in favor of domestic manufactures. The supposition that they can ever be made as cheap as the foreign fabrics could be imported free of duty, is too extravagant to be indulged for a moment. And yet this supposition, chimerical as it is, must be realized before any benefit can result to the country from this measure, to compensate the great and palpable sacrifices which it involves.

Looking to the operation of this measure upon the different classes of the community, it may be fairly stated as its general result, that it will sacrifice the laboring classes for the benefit of the capitalists. And when I say capitalists, I include as well those who employ capital in some of the products of agriculture, as in manufactures. You propose to protect, by duties, not only manufactures, but wool, hemp, and even grain. Ridiculous as the duty upon this last article is, it serves admirably to illustrate the genius of the system.

Although the manufacturing interest makes the most prominent figure in this scheme of protection, the question is no longer between the manufacturing and agricultural interests, but between all those who produce more than they consume of the articles subject to duty, and those who purchase that surplus production. From this it is obvious, that but a very small part of the community can enjoy the benefit of this system, which operates as a permanent tax upon the remainder. As to the manufacturers we know their number is exceedingly small in comparison with the aggregate of our population. But the smallness of the number of farmers who can be benefited by this bill, is not so obvious. There exists a delusion on this point, which is easily removed. It is supposed that the great mass of the farmers will participate in the bounties provided. But every practical observer must know, in relation to wool, for example, that a great majority of the farmers can produce no more than they consume in their own families. It will be the more wealthy farmers, therefore, who will realize the advantages, such as they may be, of this compromise with the manufacturers, while the small farmers and the whole class of mere laborers will be compelled to bear the burdens of the system, such as they certainly are, without the slightest equivalent. No man has pretended, no man will venture to assert, that the price of labor will be increased by this measure. That, sir, the thing which most deserves encouragement, is left unbountied to its fate. I do pronounce it, that this is a combination, not only of the few against the many, but of the wealthy against the poor; we take from those who have not, and give to those who have. I speak with studied precision when I say, that those who consume what they do not make, are taxed for the benefit of those who make what they do not consume. These are the true antagonist powers of this system.

The experience of Great Britain, of whose prosperity we have had such extravagant descriptions, furnishes a most striking and conclusive illustration of that tendency of the protecting system which I am now considering. It is true, that Great Britain is a nation of vast power and resources. To the eye of a distant beholder, she undoubtedly presents a splendid spectacle. But history, while it records the achievements of her policy and her arms, says nothing of the condition of her people. If you but look beyond the dazzling surface, you will see a vast population pushing their industry to the utmost extent of their physical power, for a bare subsistence, to say nothing of the great proportion (about one-sixth, I believe, of the whole number) who are absolutely or partially dependent upon public charity. Yes, sir, the fact is so universally true in that country, that the wages of labor never rise higher than to the point at which the laborer can barely subsist and perpetuate his race—that it is laid down by the British writers on the subject, as a settled principle of political economy. If, from disease or other casualty, a laborer is unable to work for a week, he runs the risk of perishing. It never enters into the calculation of the British laborer to improve his condition in life; and it is in the power of very few, even to lay up a pittance for the future. Such is the condition of the great body of the people of Great Britain, who have been characterized by the Speaker as the happiest people on earth, and held up to us for our special admiration.

But, sir, even if the prosperity and happiness of Great Britain were much greater than they are, upon what principle of sound reasoning can they be ascribed to her system of commercial restrictions? I am ready to admit, if gentlemen desire it, that her prosperity is derived mainly from her manufactures; but I unequivocally deny that these have been fostered into existence by the restrictive system. A few palpable facts of her history will render this apparent. Which of her manufactures have been the great sources of her prosperity? Those of cotton, wool, and iron, undoubtedly. Will any gentleman venture to say that these have derived their prosperity from the protecting system? Where, sir, is the nation that ever for a moment held a competition with Great Britain in cotton fabrics, and against whom, therefore, protection was necessary? From the first moment of its existence, this manufacture in Great Britain, like the raw material in our Southern States, set all competition at defiance. Neither ever needed or received the protection of Government. Both have succeeded, because the countries in which they respectively flourish are peculiarly adapted to their production. The same remarks are true (though not so strikingly true) in relation to manufactures of wool and iron. On the contrary, those manufactures which have been forced into existence by artificial stimulants, are regarded by all the enlightened statesmen of the present day as so many obstacles to British prosperity. This is emphatically true in relation to the manufactures of silk. In fact, sir, you might as well tell me that the muscular energy of a giant is derived from the fetters he sunders into atoms, as that the prosperity of Great Britain is derived from her restrictive system.

But we have been admonished to adopt this system, with a view to countervail the restrictions and bounties by which other nations sustain their domestic industry; and it was conceded by the Speaker, that, if all other nations would pursue the same liberal policy, it might be expedient to leave commerce unshackled. I am perfectly willing to meet the gentleman upon this ground; and if I do not show that the principal restriction which the existing laws of foreign countries impose upon our commerce operates as a protection to our manufactures, instead of giving them a claim to the protection of this Government, I will acknowledge my entire ignorance of the subject. What, then, is the principal restriction of which we complain? It is the exclusion by Great Britain of our grain from her market. And what claim does this give our manufactures to the interference of Congress? How does it operate against *them*? On the contrary, is it not perfectly apparent that it operates in a two-fold manner to give them an advantage over their British rivals? By raising the price of grain in England, it enhances the price of labor there; and by diminishing the price of grain here, it also diminishes the wages of the laborer here. As far, therefore, as labor enters into the price of manufactures, this very restriction (of British policy) is a direct encouragement to our manufacturing industry. But, perhaps gentlemen will say, it is the growers of grain whose interests require us to countervail this injurious restriction. But how do you propose to accomplish this object? The British Government injure our farming interest by excluding our grain and reducing its price! And we are called upon to relieve the farmer, not by increasing the price of the grain which he has to sell, but of the manufactures which he must purchase! Sir, there is more spirit than wisdom in such a policy as this: it defeats its own object.

I will now offer a few remarks upon another view of this subject, to which our attention was called by the Speaker. He told us that this Government ought to pursue, as nearly as practicable, such a policy in relation to the different portions of the Union, as each of those portions would respectively pursue, if existing as a separate confederacy. Let us then inquire what would be the relative situation of the principal subdivisions of the Union, if each were free to legislate for itself. And I will first examine the probable condition of that subdivision which the Speaker himself represents—the Western country. If that region were separated from the rest of the Union, and formed a distinct confederacy, how would it stand in relation to this very question? It would derive its supplies of foreign manufactures principally through the Atlantic States. I presume it would, because it has done so heretofore, and it would continue to be the interest of the people to do so. What would be the result? What power would they have in regulating the imposts upon foreign merchandise, and how could these imposts affect their interests? It is obvious that they would have no agency in regulating the tariff of duties, and would yet have to pay, indirectly, the amount of those duties, in the increased price of imported articles they would consume. In a word, the Western States would be tributary to the Atlantic States. When, therefore, the gentlemen from the West call upon us to adopt this measure for their benefit—a benefit which I am sure they will never realize—they require us to do what they could not themselves do, even if separated from the rest of the Union, unless indeed they would cut off all commercial intercourse, not only with Europe, but with the Atlantic States also. But how would the principle laid down by the Speaker operate upon the Southern portion of our Union? If that were a separate confederacy, (which God forbid that it ever should be!) what power could restrain it from pursuing its own most obvious and decided interest, by having a free and unrestricted intercourse with Europe? And when we are about to be deprived of this natural right, and to see our interests immolated at the shrine of a voracious idol, which devours every thing, and produces nothing, it ought not to be a subject of surprise that we oppose the measure as a direct invasion of our most essential rights. And, if I may be permitted to give an opinion as to the true interests of another portion of the Union, I would say, most confidently, that, if New York were a separate State, this would be a most unwise and ruinous policy for her to pursue. For, if there be a State in the Union more interested in foreign commerce than any other, it is New York; and I will add, if there be one more interested than all others, in the cotton trade of the South, that, also, is New York. Yes, sir, that commerce which the majority of her representatives now seem to contemn, is the true source of her prosperity and greatness; and there is no portion of that commerce so important as that which this measure is calculated to jeopardize, if not to destroy—the carrying trade of the South. Without this, the city of New York, the great emporium of the Union, would be deprived of half its wealth, and shorn of half its splendor. And here, sir, I will say a word or two in relation to a view of this subject, which seems to have great weight with the gentlemen who represent the interior of the State of New York. They believe that, by rearing up manufactories, they will create a market for their grain: but, do they not perceive, that commerce furnishes a market for this article, much more extensive than they can reasonably anticipate from the manufactories they can create? The city of New York alone, nourished and sustained by the very commerce which this bill is calculated to destroy, creates, by its consumption, a more extensive market for the grain of the interior than will be created by all the manufacturing establishments which this system will bring into existence in half a century. Indeed, this idea of obtaining a market for grain, by forcing manufactures into existence—an idea which has made a very strong impression upon the farming interest in the Middle and Western States—can never be realized, but to a very moderate extent. In the existing state of the arts, manufactures are made principally by machinery, which consumes no grain—so that it would not, perhaps, be going too far to say, that the agents directly and indirectly employed, by commerce, in supplying the country with a given quantity of foreign manufactures, consume as much of the products of the soil, as would be consumed by the agents who would be employed in the fabrication of the same quantity of domestic manufactures.

While considering the operation of this measure upon the several divisions and interests of the Union, I hope I shall be excused for repeating, with a view to further illustration, an idea which I advanced at an early stage of the discussion upon the details of this measure, the correctness of which, however, has been since repeatedly denied. I stated, and I now deliberately repeat it, that the cotton of the Southern States, the great source of our prosperity, constituting one-third of the whole export of the Union, has reached that critical point in the competition with foreign cottons, when any material derangement of our commercial relations with Great Britain must inevitably expose us to the hazard of losing the market of that country, at least to a very considerable extent. If we cease to take the manufactures of Great Britain, she will assuredly cease to take our cotton to the same extent. It is a settled principle of her policy—a principle not only wise but essential to her existence—to purchase from those nations who receive her manufactures, in preference to those who do not. You have, heretofore, been her best customers, and therefore it has been her policy to purchase our cotton to the full extent of our demand for her manufactures. But, say gentlemen, Great Britain does not purchase our cotton from affection, but interest. I grant it sir, and that is the very reason of my decided hostility to a system which will make it her interest to purchase from other countries than our own. It is her interest to purchase cotton, even at a higher price, from those countries which receive her manufactures in exchange. It is better for her to give a little more for cotton, than to obtain nothing for her manufactures. It will be remarked, that the situation of Great Britain is, in this respect, widely different from that of the United States. The powers of her soil have been already pushed very nearly to the maximum of their productiveness. The productiveness of her manufactures, on the contrary, is as unlimited as the demand of the whole world. She, therefore, has no choice of pursuits. Her surplus capital and labor must be directed to manufactures, or remain idle and unproductive. A demand for her manufactures is, then, from the very necessity of her condition, the primary consideration, to which every other must be subservient in the regulation of her commercial relations. To say, therefore, that she will continue to purchase our cotton, because she can get it a little cheaper than other cottons, after we have ceased to purchase her manufactures, is to suppose that she will be utterly blind to her own necessities; that she will, in fact, abandon, where it is most indispensable, that very policy which the friends of this bill now call upon us to adopt, in a spirit of reckless speculation, without considering that our circumstances are the very reverse of those which render such a policy necessary to Great Britain. In fact, sir, the policy of Great Breat Britain is not, as gentlemen seem to suppose, to secure the *home* but the *foreign* market for her manufactures. The former she has without an effort. It is to attain the latter that all her policy and enterprise are brought into requisition. The manufactures of that country are the basis of her commerce; our manufactures, on the contrary, are to be the destruction of our commerce. And yet, in a spirit of blind and undiscriminating imitation, we are called upon to follow the example of Great Britain, by adopting a policy which will produce a result precisely the opposite of that which she has experienced of her policy; or, in other words, we are required to adopt, in deference to British wisdom, a system the very reverse of that which British policy would pursue, under the same circumstances! It cannot be doubted that, in pursuance of the policy of forcing her manufactures into foreign markets, she will, if deprived of a large portion of our custom, direct all her efforts to South America. That country abounds in a soil admirably adapted to the production of cotton, and will, for a century to come, import her manufactures from foreign countries. Under these circumstances, it is obvious that Great Britain will use every effort to stimulate the industry of South America, by the various commercial advantages she has it in her power to present, and to make up, by this new trade, the loss she will have sustained in being deprived of ours. But I must hasten to bring my remarks to a conclusion, lest I should exhaust that indulgent patience which, I fear, I have already taxed too severely. A few words, and I shall have done.

It would be some consolation to me, sir, if I could believe that the heavy impositions, which must operate so oppressively upon the part of the Union I have the honor to represent, would produce an equivalent benefit to other portions of the Union. If my constituents must be sacrificed, it would in some degree soothe their injured feelings, if they could have this excuse, at least, for quietly submitting to their fate, hard as it is, and unjust as they believe it to be. But even this humble consolation is denied us. We are doomed to suffer, under a clear conviction that our sufferings will administer no relief to the distresses, whether real or imaginary, of any portion of our fellow-citizens. We are to be made the victims of a system "which not enricheth them, but makes us poor indeed"—a system which wages war, not against our enemies, but our friends; not against the hostile regulations of other countries, but against the advantages of our natural position in the world, and the munificent bounties of an all-wise Providence—a system which has originated in discontent, and must inevitably end in disappointment. Against such a system I do most solemnly protest, as a palpable invasion of those rights and interests which I am charged to defend and protect. And I do beseech its advocates, as they regard the principles of justice, the interests of the Republic, or the mutual good will of its members, to pause before they give this bill the irrevocable sanction of their final vote. If, however, they should pass it, even with a majority of a single vote, I shall, as bound by my allegiance, submit to it as one of the laws of my country. I have endeavored, with zeal and fidelity, to discharge my duty as a Representative. I trust I shall never be found wanting in my duty as a citizen. I must take leave, however, to say one parting word to the authors of this measure; I thank God that, if mine is to be the suffering, theirs will be the responsibility.

When Mr. McDuffie had concluded—

Mr. Markley, of Pennsylvania, rose, not, he said, to make a speech upon the bill, although such had originally been his intention; but he thought, after so long a discussion, the House must be ready and anxious to take the final question on the bill. He therefore moved a call of the House.

After the call was concluded, the doors were closed; four members only were found to be absent.

Mr. Stewart then moved to dispense with all further proceedings in relation to the call: his motion was carried.

Mr. Trimble, of Kentucky, rose to call for the previous question. He said he thought the present a proper time to finish the debate. It was known that one member was attending, contrary to the advice of his physicians, and two or three others contrary to the advice of prudence. He admitted that some courtesy was due to those who wanted to speak, but much more, he thought, was due to those whose sense of duty had brought them to the House from sick beds. He was one of those who had intended to present his views of the subject before the final question was taken, and some things had been said on yesterday which called for a reply from the friends of the bill; but he had predetermined to waive his right to do so, and hoped that gentlemen on both sides would consent to close the discussion. No tariff had ever been debated in cold blood, and the old members would support him in saying, that the debate on the present bill was marked with more temperance than on former occasions. He hoped it would terminate in the same spirit of moderation and forbearance that had marked its progress. He assured the House that he made the call under a sense of duty, but in the full spirit of deference for those who might oppose it.

The call was sustained—101 members voting in favor of, and 98 against it.

Mr. Randolph rose and demanded another count.

The Chair, in pursuance of a rule of the House, then appointed Messrs. Randolph and Taylor as tellers; and the members on each side of the question were counted, by passing between the tellers, and returned as follows: In favor of the previous question 103, against it 95.

So the House determined in favor of the previous question.

Mr. Webster then rose. He said he had been waiting in the House for several days, laboring under severe indisposition, in order to make a motion in relation to this bill, which was of vital importance to his constituents; but as he had not yet had an opportunity to do it, he moved that the bill be ordered to lie upon the table. Upon this question he requested the yeas and nays.

The yeas and nays were accordingly ordered; and the House refused to lay the bill on the table—yeas 98, nays 110, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Kent, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Lock, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Adams, Allen of Tennessee, Allison, Barber of Conn., J. S. Barbour, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Sterling, Scott, Sharpe, Sloane, Stewart, Stoddart, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

The previous question was then put, to wit: Shall the main question be now put? and passed in the affirmative—yeas 110, nays 97, as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Barbour of Connecticut, J. S. Barbour, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Collins, Condict, Cook, Crafts, Craig, Durfee, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Sandford, Scott, Sharpe, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, P. P. Barbour, Bartlett, Bassett, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Dwight, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McLane of Delaware, Mangum, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virgina, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

The main question was then put, to wit: Shall the bill pass? and passed in the affirmative—yeas 107, nays 102, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLane ot Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloan, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Isacks, Kent, Lathrop, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Ordered, That the title be "An act to amend the several acts imposing duties on imports," and that the Clerk do carry the said bill to the Senate to ask their concurrence therein.

MONDAY, April 19.

Mr. McKEAN presented memorials from sundry citizens of the United States, praying that the benefits of the law of the 18th of March, 1818, may be extended, without distinction, to all the *Revolutionary few* who faithfully served their country in the Revolutionary war.—Laid upon the table.

Mr. McLANE, of Delaware, presented a petition of sundry inhabitants of New Jersey, praying for the aid of Government, in improving and rendering safe the harbor of Newcastle, Delaware.—Referred to the Committee on Commerce.

Mr. KENT laid before the House an act of the Legislature of the State of Maryland, incorporating the Chesapeake and Ohio Canal Company.—Referred to the select committee, appointed on the 5th of December last, on so much of the President's Message as relates to a connexion of the waters of the Chesapeake and Ohio, by means of a canal.

Mr McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act for the relief of Thomas Hewes," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. NEWTON, from the Committee on Commerce, reported a bill to authorize the masters of vessels, in certain cases, to clear out either at the custom-house of Petersburg, or that of Richmond; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. HAMILTON, from the Committee on Military Affairs, reported a bill concerning the allowance of pensions upon a relinquishment of bounty lands; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. MALLARY, the Committee on Commerce were instructed to inquire into the expediency of establishing the city of Troy, in the State of New York, as a port of delivery.

Mr. MOORE, of Alabama, laid the following resolution on the table for consideration to-morrow, viz:

Resolved, That the Secretary of War be directed to communicate to this House such information as may be in the possession of the department, connected with the circumstances under which it is alleged an error was committed in the location of 640 acres of land, reserved to George Harlin, by the 3d article of the treaty made with the Cherokee nation of Indians, on the 27th of February, 1819, with such explanatory remarks as may be justifiable from all the circumstances of the case; in reference to the supposed difference in the value of the reservation as granted by the said 3d article of the treaty, and that which it is alleged was designed to be obtained by it.

Mr. Longfellow laid the following resolution on the table for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House the correspondence between this Government and France, relating to spoliations committed on American commerce between the years 1793, and 1800; and also, relating to the claims of France upon this Government, for not complying with the treaties of alliance and commerce of February 6, 1778.

Bills from the Senate of the following titles, viz:

1st. An act to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling-house at the Balize, in the said State, for the use of the boarding officer at that place, and for other purposes;

2d. An act supplementary to an act of Congress, passed on the 30th day of June, 1812, entitled "An act making further provision for settling the claims to land in the Territory of Missouri;"

3d. An act for the relief of Elijah Van Syckle of Philadelphia;

4th. An act for the relief of Thomas Shields;

5th. An act for enclosing the burial ground of Christ Church, Washington Parish; were severally read the first and second time, and referred—the 1st, to the Committee of Ways and Means; the 2d, to the Committee on the Public Lands; the 3d, to the Committee of Ways and Means; the 4th, to the Committee of Claims; the 5th, to the Committee for the District of Columbia.

ADDRESS OF NINIAN EDWARDS.

The Speaker communicated to the House an address of Ninian Edwards, late a Senator of the United States, from the State of Illinois, complaining that injustice has been done him in a report from the Secretary of the Treasury, accompanying the correspondence between the Treasury Department and the banks in the different States, upon the subject of the deposites of public money in said banks; exculpating himself, and also, preferring certain charges against the said Secretary. The address is as follows:

Wheeling, Va., *April* 6, 1824.

Sir: I have the honor to request you to present the address herewith transmitted, with its accompanying notes and documents, to the House of Representatives of the Congress of the United States.

I have the honor to be, &c.

NINIAN EDWARDS.

Hon. Henry Clay,
Speaker of the House of Reps.

To the honorable the House of Representatives of the Congress of the United States:

As certain proceedings at the last session of Congress, under the authority of the House of Representatives, and a recent report to your honorable body, by the Hon. Wm. H. Crawford, Secretary of the Treasury, seem to have been intended, and are calculated, to cast upon me imputations injurious to my character, which I know to be unjust, and which, I think, I can demonstrate to be so, I trust no apology can be necessary for my requesting leave to present my vindication against those imputations, directly to your honorable body; in order that it may be conveyed to the nation through the same channel by which I have been assailed.

This is a right which, under similar circumstances, I should suppose, ought not to be denied to the humblest individual in the Union. In this case, it is due to the nation itself, in consideration of the station I lately held, and that which I have now the honor to hold; and, owing to the peculiar circumstances of my case, it is emphatically demanded, on my account, by every principle of honor, and every regard to justice. Nor is it unprecedented in either House of Congress, in cases which certainly had no greater claim to such indulgence.

It will be seen that I was called upon by a committee of the House of Representatives of the last session, as a witness to testify before it; that I was subjected to an examination, which has not its parallel in the records of any free country; and that, after the lapse of about twelve months, and just as I was on the eve of my departure for a foreign country, an attempt has been made to impeach my credibility, on grounds which must have been, at all times since my testimony was given, within the command of the honorable gentleman by whom they have been so *opportunely* alleged.

To refuse to permit me to repel such an attack, in the manner proposed, would be to overthrow the longest established precedents, and to establish in their place the odious, oppressive, unjust, and indefensible principle of allowing the credibility of a witness to be impeached, and yet denying to him the right to support it before the tribunal under whose authority he had been called on to testify.

But, independent of all considerations, in regard to myself, personally, I humbly conceive that your honorable body might well desire to receive my vindication, and every corroboration which I can give to my testimony, on your own account, in order to enable you the more clearly to ascertain the truth of, and the more satisfactorily and correctly to decide upon, statements now before you, and not yet acted on.

Notwithstanding all the canting about an "A. B. plot," the ingenious attempts that have been made, and the stratagems that have been adopted, by certain newspaper editors and others, to mislead and deceive the public mind into a belief that the committees, appointed at the last session on that subject, had thoroughly investigated all the statements made by a writer under the signature of A. B. in regard to certain suppressed documents; and that Mr. Crawford had been "triumphantly acquitted," in relation to the whole of them; I assert, without the fear of contradiction, that it is known to your honorable body that neither of those committees extended their investigations into those statements, beyond about four paragraphs, which were mere bagatelles in comparison with other letters and matters that were expressly charged, and incontestably proved, by the documents furnished by Mr. Crawford himself, to have been withheld, contrary to the resolutions of the House which required their production.

These important statements, and the matters and things contained in my testimony, have neither been investigated by any committee, nor acted on by the House; and if my testimony had been, it is now revived by Mr. Crawford himself; and, surely, if it be competent to him to attack it, it cannot be fair or just to withhold from me the equal right of defending and supporting it.

By referring to the resolution of the House, (note 1,) under which the second committee of investigation was appointed, and to my examination by that committee, (2,) it will be seen that the latter fully merits the character I have given to it; that it was wholly unauthorized by any powers delegated to the committee; and that it evinced a far greater disposition to implicate me in some kind of censure, in regard to the public deposites in the Bank of Edwardsville, than to investigate the conduct of Mr. Crawford, or to inquire into those subjects for which the committee had been professedly appointed. Whatever may be thought by those who may be at the trouble to examine the list of interrogatories that were put to me, as to the source from whence they originated, none can read some of the following statements and documents, without being convinced, that a very small portion of candor would have rendered a part, at least, of those interrogatories unnecessary and useless, even in the opinion of the committee itself, (3.)

Whatever may have been my agency in procuring the Bank of Edwardsville to be made a depository of public money, it had nothing to do in originating the great system adopted by Mr. Crawford, of employing the local banks, and in several instances, in direct violation of law, by allowing them a permanent deposite of nine hundred thousand dollars, equal to a salary of $54,000 per annum, for receiving and transmitting the public money, which the Bank of the United States was bound to do without compensation, and would have done, without those immense losses to the public, which must inevitably result from the adoption of a plan so contrary to the letter and spirit of the bank charter; and to the avowed intentions and objects of Congress in granting it.

The effect of my application to have the Bank of Edwardsville made a depository of public money, was merely to have deposites made there, that otherwise would have been made in the Bank of Missouri, which previously had been authorized to receive the public moneys, collected by the two Receivers in Illinois, who alone were directed to make their deposites in the Bank of Edwardsville. My agency in this transaction, therefore, did not prevent the depositing of a cent in the Bank of the United States; and your honorable body may well judge, whether the public interest could have been much jeopardized, by the change I recommended, from the following statement, extracted from the documents presented to you by Mr. Crawford.

The Bank of Missouri had a capital of $210,000, of which, the stockholders drew out of it, on pledges of stock, $186,335, leaving only $23,665 for the further accommodation of themselves and others. Upon this last sum, its real banking capital, it discounted and paid on over drafts, to the amount of $244,345 53. The whole amount of its discounts, including payments on over drafts, was $430,680 43; of which sum, its directors alone were responsible for $297,492 13, if, as is presumed to be the case, they are chargeable with over drafts, to the amount of $11,622 27.

To this bank, Mr. Crawford allowed a permanent deposite of $150,000, equal to a salary of $9,000 per annum. He permitted the public money to accumulate in it, to the amount of $726,031 90, in the course of nineteen successive months, ending with the 1st of September, 1819, without exacting those precautionary returns and statements, which he himself considered essential to insure the fidelity of all the banks appointed to receive the public money; and, eventually, he received from it, in part payment of its debts, contrary to the positive injunctions of the resolution of Congress, of 1816, a large amount of uncurrent notes, some of which were not worth twenty-five cents in the dollar.

Much as he has mystified this subject, in several of his reports, and particularly in that one which is part of document 105, (in the 8th volume State Papers, 2d session 17th Congress,) in which he blends a deposite in the Bank of Missouri, of $64,613 58, with "*the* special deposites which passed through the Bank of the United States," it cannot excuse, or even successfully disguise, the flagrant impropriety of his having received, at par, the uncurrent notes above referred to; for, by the very document last mentioned, it appears that this deposite had been "re-transferred to the Bank of Missouri, and assumed *as cash*, in September, 1819," which was previous to the receipt of those notes. His own letter to the Cashier of the Bank of Missouri, dated 23d March, 1819, and the Cashier's answer, dated 25th of June, 1819, (4 and 5) clearly show, that no justification for receiving uncurrent paper can be derived from that circumstance. Because, he received uncurrent notes that *were not*, and *could not*, have been included in that deposite; for, not to mention other cases, the notes which he received on the "Bank of Georgetown, Kentucky," were not, at that time, even receivable in the land offices. Nor was there ever any contract between the Bank of the United States, or the Treasury Department, with the Bank of Missouri, from which the latter could derive any right to tender, or be any justification for receiving, those uncurrent notes.

But, had it been otherwise, it would not be less difficult to justify the placing of this bank upon a footing so different from that of all other similar depositories of public money.

Under all these circumstances, it would seem incredible, that any injury to the public could have resulted from the change of deposite, for which I applied; and the attempt to subject me to censure, for the small participation which I have had in this business, ought to be considered as a plain acknowledgment of the awful weight of responsibility that rests upon him, whose especial duty it was, to take care of the public money.

My responsibility, however, did not long continue; for, finding the Bank of Edwardsville, on my return from Congress, soon after it had been authorized to receive the public money, involved in some difficulties, I determined to sustain it against the danger that then threatened it, and, after seeing it in a safe situation, to relieve myself from all kind of responsibility for that, or any other bank. Accordingly, in the same year, I made a publication in several newspapers, and in two different States, of my determination to be held no longer responsible for that, or any other bank. This publication can be established by a part, if not the whole, of the respective delegations, now in Congress from the States of Illinois and Missouri. It was forwarded to Mr. Crawford, and I have no apprehension that he will ever deny having received it.

He had, also, been put upon inquiry, in regard to the Bank of Edwardsville, by a bitter philippic, in ample detail, against it, which he received from the Hon. Mr. Benton, of the Senate. This was shown to Col.

Johnson and myself, and a copy of it was transmitted to the bank, where I suppose it now remains.

He was fully apprized of those very difficulties of the bank, which produced my determination to retire from it. They were communicated in letters from myself to Colonel Johnson, which were intended to be, and were, forwarded to Mr. Crawford. The receipt of two of them is acknowledged by his letter to Colonel Johnson, of 15th July, 1819, in which he says, "Yours of the 28th ultimo came to hand this morning. The circumstances connected with the Bank of Edwardsville, as *developed* in the two letters of Governor Edwards, submitted by you to my perusal, will receive due consideration." In the same letter, he says, "With Governor Edwards I had no personal acquaintance, before the last Winter. The opinion which I had formed of his talents and integrity, from the official correspondence which had been carrried on between us, both in the War and Treasury Department, has been confirmed by personal acquaintance.

"The different subjects upon which he had occasion to ask my opinion or decision, during the last session of Congress, were fairly and candidly stated; his comments upon them were judicious, and it afforded me great pleasure to be able, after due examination and reflection, generally to coincide with him." The session here spoken of is the one in which I made the application in favor of the Bank of Edwardsville.

Had Mr. Crawford been as much disposed to profit by the impressive lessons of experience, which he was constantly receiving, as I was by those of a few months only, it might have prevented a vast accumulation of "unavailable funds," and have enabled him, much earlier, to have secured to the Bank of the United States, "in their just extent, the advantages intended to be secured to it by the charter," which he fairly promised to Congress, in his report of the 10th December, 1817, [6] and the necessity for which he seems to have been duly sensible of, in another report, (8 vol. State Papers, 2d session 17th Congress, p. 77,) in which he says, "In the Winter and Spring of 1819, the Bank of the United States was, in the opinion of the enlightened officer who presided over its direction, in a great degree indebted for the preservation of its credit to the forbearance of its creditors, and to the support which it received from the Treasury Department. Such were my impressions of *its critical state*, that I felt it my duty to accept propositions made by the Board of Directors, which, under other circumstances, would have been declined." It is wonderful, therefore, that, with these impressions, he should have thought it consistent with his duty to have extended such favors as have been noticed to a single local bank; much less to the multitude that shared his patronage, and could not have existed without it.

It would be just as fair and candid to implicate me in the unjustifiable indulgence that has been extended to the Bank of Edwardsville, since its failure, as to endeavor to involve me in any kind of censure for its continuance as a depository of public money after the Fall of 1819. At the time of its failure, its resources were, I am well satisfied, more than amply sufficient to have secured its debt to the Government. But, every man of common experience and observation knows, that the resources of all banks, in its situation, must necessarily become more and more impaired, and are more liable to be misapplied. Yet, strange and incredible as it may appear, I have never heard, nor do I believe, though I reside in the same village in which the bank is located, that Mr. Crawford has collected one cent from it; or made any adjustment with it; or resorted to any measure to coerce the payment of its debt. He, who could find motives for an indulgence so extraordinary, and at the same time so inconsistent with, and detrimental to, the public interest, could not have required either my recommendation or sanction for continuing this bank a depository of the public money after the Fall of 1819.

I come now to the report that contains the dextrous insinuation against my credibility. So much of it as relates to this subject is in the following words, viz: "The honorable Mr. Edwards, late a Senator from Illinois, having stated, on his examination before a committee of the House, on the 13th of February, 1823, that the late Receiver of Public Moneys at Edwardsville had, on his advice, and in his presence, written a letter to the Secretary, enclosing a copy of the publication which Mr. Edwards represents himself to have made some time in the year 1819, announcing his intention of retiring from the directorship of the Bank of Edwardsville, and that he had advised the Receiver to withhold his deposites from the bank until he could receive further orders from the Secretary; and that the Receiver afterwards informed him that he had received a letter from the Secretary, directing him to continue the deposites: The Secretary deems it proper to state, that no such letter from the Receiver *is to be found on the files* of the Department; that the officers employed in it have no recollection of the receipt of such a letter; and that, on an examination of the records of the Department, it appears that no answer to any such letter, directing the Receiver to continue the deposites, was ever written to him by the Secretary of the Treasury."

This statement bears intrinsic evidence that it was intended to deprive me of the benefit of my justification—not voluntarily made, but drawn from me by the committee, in regard to the Bank of Edwardsville; and to subject me to the odious suspicion of having sworn falsely. Were there any doubt on this subject, it would be removed by the conduct of a distinguished individual, whom it might not be respectful to name in this communication, and who, since I left the city, has not thought it beneath his dignity to go about exhibiting the report, and expressing his opinion that it "placed me in a dilemma." He may yet find it more difficult for his patron to get rid of one, of infinitely deeper interest.

Believing, as I call upon my God to witness I sincerely and confidently do, that Mr. Crawford did receive the letter mentioned in the above report, and that it is now in his possession, or has been purposely destroyed, I can but regard this attack upon my reputation as unparalleled by any thing I have ever witnessed or heard of, as emanating from so respectable a source, except certain manœuvres and stratagems to fix upon a much more distinguished individual of this nation the disgraceful charges of a guilty participation in horse-stealing, and the passing of counterfeit money, which I have somewhere met with in the course of my reading. Malicious insinuation is the resort of a timid mind. Wilful misrepresentation denotes a wicked one.

In regard to the *time* which has been selected for making this attack upon me, it very much resembles the *management* which Mr. Crawford resorted to, at the last session of Congress, to defeat a certain applicant for a land office appointment. This gentleman had been before the President for many weeks. He was supported by gentlemen of the first respectability, and of different parties, in the States of Illinois, Missouri, and Tennessee. No objections to him were anticipated by himself or his friends. And none was made till the President was about to transmit his nomination to the Senate. *Then,* when a nomination could no longer be kept back, by any *contrivance* whatever, and not till *then,* did Mr. Crawford exhibit his objections. The gentleman's residence was too remote, and the session of Congress too far spent, to admit of any defence or explanation from him; and thus he lost the appointment. As this case is strongly marked by certain characteristical traits, which tend to illustrate the objects and design of this well-timed attack upon me, I refer, for a further explanation of it, to my letter to Mr. Crawford on the subject.[7]

In the latter part of the week previous to my departure from the city, on calling to take my leave of the President, I met with Mr. Dickins, to whom, in a short conversation with him, I communicated my intention of leaving the city on the Sunday following, (one day before the date of Mr. Crawford's communication,) and, but for an accidental engagement of the Secretary of State, which prevented his signing a paper that it was necessary for me to carry to the Treasury Department, till after the hours of business in that Department had elapsed, I should have departed from the city before Mr. Crawford's communication was made; and probably should not even have heard of it till after I had left the United States.

But, independently of what I stated to Mr. Dickins, my intended departure was strongly indicated by the business I was engaged in transacting in the public offices. It was generally known; and, if it had not been, it was very naturally to have been expected.

Deprived of all opportunity of defence, a victory over me might, indeed, have been easy; but, surely, the triumph would have been most ignoble.

By way of availing myself of further characteristical traits, I beg leave to state, that an inspection of the public documents is sufficient to show that, in repeated instances, Mr. Crawford's replies to calls upon him by the House for information, &c., have been so tardy and protracted, as to prevent the possibility of investigating them during the sessions in which the calls were made; and to require a great degree of charity—*possibly* however, not more than is justly due—to resist the belief that he has been as much disposed to evade as to invite a scrutiny into his conduct.

Even the correspondence which accompanied the report in question, though required by a resolution of the 8th May, 1822, to be laid before the House as early as practicable, after the commencement of the then next succeeding session, has been delayed to so late a period of the present session as to render an investigation of it, before the first Monday in December next, impossible.

Notwithstanding all these circumstances, it may be that Mr. Crawford did not intend to take an undue advantage of my absence. He must well know with what indignant condemnation such an attempt would be denounced by every magnanimous and generous bosom. What surprises me most is, that a just apprehension of so degrading a suspicion had not induced him to have exhibited his insinuation a little sooner, or to have declined it altogether. But, whatever may have been his intentions, I could not have been more disadvantageously affected by any contrivance or stratagem that he could have adopted, to deprive me of a fair opportunity of defence.

Scarcely convalescent from a long indisposition, exhausted with the fatigue of travelling, and required to proceed on my journey with all convenient despatch, I must leave him unanswered, or content myself with such a defence as, with all these disadvantages, a very short time of necessary delay on my journey may enable me hastily to present. But, what I regard with the most concern is, that writing, as I must do, without having it in my power to refer to, and re-examine, certain documents, I shall not be able to avail myself of some important circumstances which they would establish, and may be betrayed into some slight inaccuracies, to which all men are liable who have to trust to memory alone. I promise, however, to be more accurate than Mr. Crawford has been, in cases in which he had before him every means of being entirely so.

Having endeavored to establish my right to make my defence before your honorable body, and taking it for granted that a request so reasonable, under all the circumstances that have been mentioned, will not be denied me, I presume I shall be indulged in every legitimate right of defence that belongs to my case.

Among these, it will scarcely be denied that I have a right—

1st. To corroborate my own testimony.

2dly. To show, by any means in my power, that the statements made against me are inconclusive; and, particularly, to avail myself of any circumstance that is presented by the documents in the case in which I was called on to testify, for the purpose of invalidating those statements, And,

3dly. Directly to impeach the credibility of those who have assailed mine.

The latter I shall probably waive; for, though I have, at all times, felt myself at liberty to animadvert upon Mr. Crawford's official conduct, and to defend my own, both of which he has found me prompt to do, in cases that never yet have met the public eye, I never have intentionally treated him with the slightest indecorum, or a want of that respect that is due to his station. (8.) Respect for your honorable body would, of itself, be sufficient to induce me to abstain from the language of passion, or abusive vituperation, before you. Respect for myself would prevent me from it anywhere else. I cheerfully leave that resource to bullies, political tools, mercenary hirelings, and those who, conscious of their inability to defend their own conduct, can find no better means of diverting public attention from themselves to others. I shall, nevertheless, freely urge, and insist on, such facts as I know to be true, disclaiming, however, any other construction of them than the most innocent of which they are susceptible. If I shall point out palpable omissions and violations of duty, or show that letters, which ought to have been communicated to the House, have been suppressed, and that various misstatements have been officially made, I shall attribute them to nothing more than forgetfulness, inattention, inadvertence, or some erroneous, but innocent views of the subject.

This will be sufficient to show that the negative statements of Mr. Crawford, and "the officers employed in the Treasury Department," ought not to prevail against my positive statement on oath. If others should suppose this forbearance on my part a little too fastidious, and that the cases which I shall exhibit are evincive of intentions less innocent, let it be remembered that their views of the subject would unquestionably render the case the stronger in my favor.

With these preliminary remarks, I proceed to my defence against this mal apropos statement of Mr. Crawford.

It will be recollected, that I was not a volunteer in giving my testimony before the committee, and I can conceive of no motive which could be supposed, by any but a most depraved mind, misled by its own wicked operations, to have influenced me to make an uncandid statement. As to my responsibility, in consequence of having applied to Mr. Crawford to cause certain deposites to be made in the Bank of Edwardsville, in preference to that of Missouri, surely I have shown that enough was known about the latter bank, at the time my testimony was given, to have freed me from all apprehensions in regard to any responsibility that I had imposed upon myself, even if I had not withdrawn, as already stated, from the "Directorship" of the former. But, Mr. Crawford does not deny that he received my publication, and even if he had not received it, it having been made in two different States, and he having been, as I have shown, put upon inquiry in regard to that bank, and informed of the difficulties it had had to encounter, I certainly might rely upon the notoriety of my acts, in this respect, with a much better grace than he relies upon a supposed notoriety of his repeated but unpublished omissions, to comply with the most positive legal injunctions as an excuse for those omissions, which he does in his letter of the 24th February, 1823, to the chairman of the committee of investigation; and in which he also seems, almost, to insist that his violation of his duty was equivalent to a fulfilment of it.

It could have been no object with me to have established an additional suppression upon him; for, if time do not fail me, it will be seen, before I am done with this subject, that I had in my possession proof, whose credibility could not be questioned, of his having suppressed, in a variety of other instances, letters enough, of a much more important character and delicate bearing, for any purpose that the utmost malignity could have contemplated, as possible to be effected by such means. [9.]

The amount of my statement before the committee, as well as I can now recollect it, (not having it in my power to refer it for examination,) but which will be supplied at Washington is,

1st. That, for the reasons therein mentioned, I made a publication of my intention to retire from the "Directorship" of the Bank of Edwardsville.

2d. That I advised the Receiver of Public Money at that place, to withhold his deposites from the bank, till he could receive further orders from the Secretary of the Treasury.

3d. That the Receiver did write to the Secretary on the subject, enclosing my publication, &c.

4th. That the former afterwards informed me that he had received a letter from the latter, directing him to continue the deposites.

Now, it is not denied, and dare not be, that I did make the publication alluded to, and this I could not have done, for the reasons that influenced me, consistently with the known friendship and intimacy that then subsisted between the Receiver and myself, without giving him the advice mentioned in the second part of the above statement. But that I did give that advice is much more strongly corroborated by the fact that the Receiver did actually withhold the deposites, and Mr. Crawford knows it. This might be established by the monthly returns of both the Receiver and the bank. But these are in the possession of Mr. Crawford. I, however, felicitate myself upon being able to satisfy your honorable body of the fact, by documents that have been furnished by himself, but which, thank God, are now out of his power.

By his report of the 27th February, 1823, (8 volume State Papers, 2d sess. 17th Congress, pages 31, 33, and 35,) it will be seen that the amount of deposite stated to have been in the Bank of Edwardsville, to the credit of the Treasurer, was—

At the end of the 2d quarter of 1819, $45,560 68
At the end of the 3d quarter of 1819, 45,475 04
At the end of the 4th quarter of 1819, 53,191 59

The two first of these statements are presumed to be correct, or nearly so. The latter is entirely otherwise, as I will prove to your satisfaction, if there is any kind of confidence to be reposed in previous statements exhibited to you by Mr. Crawford. Had it been intended to disguise the fact of the Receiver's having withheld the deposites, as above stated, and to give some semblance of plausibility to the recent insinuation against myself, nothing could have been more ingeniously, or more disingenuously, contrived, for these purposes, than this last statement. If it had been truly stated that, instead of $53,191 59, the real amount in deposite, at the end of the fourth quarter, was $98,191 59½, the contrast between this sum and the amount of the previous deposites, might have afforded some corroboration to my statement before the committee. But this, subsequent events have proved, it was intended to question. I will, however, make the case too plain for doubt.

By the report last referred to, it appears that the amount of deposite in the Bank of Edwardsville, to the credit of the Treasurer, on the last days of June and September, was a little upwards of $45,000.

By Mr. Crawford's previous report of the 27th of April, 1822, (in which is an ingenious contrivance of placing December before November,) it is shown by the bank returns themselves, that, on the 30th of November, 1819, the amount of deposite was $45,475 04½, and that, on the last day of the succeeding month, (the end of the fourth quarter of 1819,) it was $98,191 59½, [10] and not $53,191 59, as subsequently reported from the Treasury Department.

From the correspondence between the several amounts of deposite in the bank, on the last days of June, September, and November, and the difference between them and that of the last day of December, in the same year, no one can doubt that the Receiver at Edwardsville did actually withhold the deposites as above suggested; unless it can be believed that he did, in one single month, distinguished by no particular circumstances, receive to the amount of $52,716 55, equal to the rate of $692,598 60 per annum.

Let us, then, inquire a little into the probability of his having written to Mr. Crawford, or, rather, into the great improbability of his not having done so.

This gentleman united in himself the office of Receiver and President of the Bank of Edwardsville. As Receiver, he had positive orders to make his deposites in that bank, and was bound to make monthly returns of his accounts to the Secretary of the Treasury. As President, it was his duty to have monthly returns of the state of the bank, and the amount of public deposites therein, regularly transmitted to the Secretary. Is it, then, to be believed, that he should have withheld the deposites contrary to his orders, without having given to Mr. Crawford some reason, either as Receiver or President, for his having done so? And, if he had failed to perform this duty, is it credible that Mr. Crawford would have been so negligent and inattentive to his duty, and so regardless of the public interest, as not to have called him to an account for such conduct?

But, if further confirmation of the letter's having been written, and received by Mr. Crawford, too, were wanting, strong presumptions in favor of both may be derived from the very guarded and characteristic artifice by which he would seem equally to deny the receipt of the letter, and that any instructions had been given to the Receiver to continue to make the deposites. Let it be observed, that my statement, as quoted by Mr. Crawford, is, "that the Receiver informed me he had received a letter from the Secretary, directing him to continue the deposites." Mr. Crawford does not deny that such directions were given, but he says, "it appears that no answer to such letter, directing the Receiver to continue the deposites, was ever written," &c. From this peculiar manner of denial, I can but infer that, not being willing, from some cause or other, to admit the receipt of the letter, Mr. Crawford contrived to give the directions under some other form or pretext than that of a direct answer to it. But that such directions were given, I cannot doubt, though I have nothing to rely upon for this opinion but the Receiver's word for the fact. If Mr. Crawford did not write to him specially on the subject of his having withheld the deposites, it can only be satisfactorily accounted for on the supposition that he (Mr. Crawford) did, in some form or other, give such directions as he supposed would produce the proper corrective.

Another fact, in confirmation of my statement, is, that one of the two Receivers who had been directed to make their deposites in the Bank of Edwardsville, was ordered to make his elsewhere. But under what pretext I do not know, nor do I recollect ever to have heard; probably, however, under some one equally calculated to disguise the real motive, as the giving of directions, without acknowledging the receipt of the letter that produced them.

It will not, I persuade myself, be considered a trifling corroboration of my statement, that it was not made to the committee for the first time; but that, in a private correspondence between Mr. Crawford and myself, more than twelve months before my examination by the committee, I had asserted the same facts substantially to himself.

In my letter to him of the 9th February, 1822, (which I would not venture to refer to if I had not his answer to it,) I say, "I beg leave most respectfully to suggest, that it would be but an act of justice to me to present my publication of 1819, in which I declared I would be no longer responsible for the bank [of Edwardsville] in any way whatever. This publication was contained in the St. Louis Enquirer, which I believe you took at that time. It was also contained in a paper which I forwarded to you myself. And it was enclosed, and referred to, in a letter from Colonel Stephenson, the President of the Bank, [and the Receiver also] to you, which letter, he informed me, had been answered. Since the Fall of 1819, my connexion with that bank has entirely ceased, except that I am a stockholder in it, without, however, ever having borrowed one cent from it."

In my letter to Mr. Crawford, of 14th February, 1822, I say to him, "I must, however, say, sir, that, as the information, in the Treasury Department, relative to my original recommendation of the Bank of Edwardsville, has, for some time past, been distinctly understood, and freely used at this place, [Washington,] I can but consider it somewhat unfortunate for me, that other communications in the Department, which ought to have terminated all responsibility on my part, have not been equally known. That I was the cause of the deposites being made there, in the first instance, I freely acknowledge. But, that I unequivocally declared, I would not be held responsible for that or any other bank, in any way whatever, after the Fall of 1819; that you were notified thereof in due time; that the deposites have not been continued there in consequence of my recommendation since that period; and that the bank was then in a good situation, I may, I think, according to my present impressions, fairly insist upon. And, if so, the partial information, now in circulation at this place, is not calculated to do me that justice which, I hope, I have a right to expect from your magnanimity. It would, therefore, afford me great pleasure, I assure, you, sir, that the whole of my conduct, in relation to that business, should be so fully known as to be no longer misunderstood."

The first of these letters was written five days before his report of the 14th February, 1822. The second bears the same date of the latter. They must both, therefore, have been written before any charge of suppressions had been made or suggested.

Had the existence of the Receiver's letter been denied, or the slightest intimation of questioning it been given, at the time it was thus asserted, I could, and would, have proved every fact contained in my statement in regard to it, by that gentleman himself. But he is now dead. Mr. Crawford knew this before he made the report in question—and dead men cannot contradict living ones.

No one can read the interrogatories that were put to me by the committee, and believe that Mr. Crawford was not well informed of my testimony before the date of his letter to the chairman of the same committee, which was eleven days later than my examination. From the nature of the inquiries which he was then called upon to answer, they afforded as suitable an occasion, as the one he has selected, for questioning my credibility. Why, then, has he so long postponed it? One thing is certain, it never could have been undertaken with greater hopes of success than when it was supposed I should have no opportunity of defending myself.

I will now submit to your honorable body a few remarks, to show that the negative statements of Mr. Crawford, and his "officers of the Treasury Department," however confidently relied upon by him for my total overthrow, are too inconclusive for his purpose.

You have been informed by him that, previous to the calls for his correspondence with the local banks, which were made the depositories of public money, it had been usual to refer all such calls to Mr. Jones, his chief clerk, but that, in these cases, another clerk had been selected to collect the letters, &c., which were called for. Why this change was made, at that particular juncture, (being wholly unaccounted for by Mr. Crawford,) is left to conjecture. Was Mr. Jones incompetent to the discharge of this duty? The very station he holds in the Department forbids such a supposition. Had he proved himself unworthy of confidence? If so, he could not have retained his station; and such is acknowledged to be his stern, unyielding, inflexible integrity, that no one could have supposed him capable of a subserviency in any unfair purpose. I confess I regret that the change was made: for, had it not been, I cannot resist the belief that I should have been spared much of the labor of this vindication. But, without yielding to unavailing regrets, I must be content to take things as I find them. I, therefore, proceed to examine the testimony that is offered against me.

This is substantially, 1st. That no such letter from the Receiver [as that mentioned in my examination] is to be found in the files of the Department. 2. That the officers employed in it have no recollection of the receipt of such a letter. And 3. That the records of the Department do not show that it was answered.

Supposing it to be true that this letter cannot be found "in the files of the Department," it by no means proves that it was not received by Mr. Crawford.

This is not the first occasion on which I have had to regret that a letter received by him could not be found when it became necessary for my defence.

Finding myself grossly misrepresented in relation to a letter I had written to him, and being determined to vindicate myself against the insinuations that were predicated upon it, I wrote to him on the 5th of January, 1821, requesting a copy of it. In his reply, dated 10th January, 1821, he says: "The letter which you have described in yours of the 5th instant, has been sought for in vain. Mr. Jones states that, according to the best of his recollection, he considered it not of a description to go on the files, and that consequently it was not filed. If his recollection is correct, it accounts for the absence of the letter from the files, and for its being lost or mislaid." My letter being thus disposed of, Mr. Crawford, in his answer, impliedly repeated one of the insinuations above referred to. This was promptly repelled by me; and, since then, I have heard no more on that subject.

From this case alone, it might not be unreasonable to presume that some similar disposition may have been made of the letter now in question. But, with every motive to make such an assertion, Mr. Crawford has not ventured to say he did not receive this letter. It will not be difficult to show that other letters, of infinitely more importance, have been received by him, about which it might be truly said, "no such letters are to be found in the files of the Department." He has sometimes another depository for them, in which the letter mentioned in my examination may also have been placed. It may have been addressed to him "without the addition of Secretary of the Treasury," which we have seen it gravely insisted on as giving him a right to consider any letter as "a private paper," though exclusively relating to matters of official duty. Or he may have "considered it not of a description to go on the files;" and thus may "its absence from the files," or "its being lost or mislaid," be very naturally accounted for, according to the *practices* of the Department.

The probability of this supposition is greatly strengthened by the following case:

Between 1816, and the 31st December, 1819, he received important communications on the subject of the illicit introduction of a large number of African slaves into the United States, which strongly implicated one of his particular friends. By a resolution of the House of Representatives, of the last mentioned date, he was directed to lay before the House copies of such communications as he had received since 1816, and *such information as he possessed,* in relation to the illicit introduction of slaves into the United States. But, notwithstanding this positive call upon him, I assert, and I challenge investigation, that he did withhold letters and information upon this subject, implicating his friend, which ought to have been communicated to the House, and some of which, he did not even permit "to go on the files of the Department." Of course, it might be very truly said of them, "that no such letters are to be found on the files of the Department; and that the officers employed in it have no recollection of the receipt of them;" for, having been deposited in his own private bureau, those officers could have no means of ascertaining the fact, and the very motives for withholding them from the files, would render fruitless all attempts to find "*answers*" to them "by an examinatibn of the records of the Department." And yet, there is no doubt of their having been received, and the strongest probability that they were answered also. If the authority of the House of Representatives was not sufficient to obtain their production, the non-production of the letter of the Receiver at Edwardsville ought not to excite a moment's surprise.

But it also appears that he, and his "officers of the Treasury Department," have not been able to find a great number of other letters, and even some of his own official ones, when required by other calls of the House; or, if they could have been found, they were suppressed. Of this, the documents furnished by himself afford both abundant and conclusive proof. Many instances might be stated. For the sake of brevity, I will allude to a few of them only.

Several cases of this kind are presented by the correspondence with the Bank of Huntsvllle. I will refer to but one of them. This is too conclusive for any artifice to elude it; and it requires but a bare inspection of the documents themselves to be convinced of it.

In his letter, "L., No. 7," to the President of the Bank of Huntsville, dated the 30th July, 1819, he says, "You will perceive, by the contents of my letter of the ninth instant, that the failure of the Nashville Bank, and its offices, was, *at that time,* known to this Department. It was *then* foreseen that the Bank of Huntsville could not fail to be injuriously affected by that event, and by others of a similar nature, which were *then* anticipated. * * The reasons stated in my letter of the ninth instant, in favor of the prompt adoption, by the bank, of the measures necessary *to the transfer of the public money* in the possession of the bank, beyond the permanent deposite, remain unimpaired."

This letter of the 9th of July, 1819, is also referred to in letter "L., No. 8," from the President of the Bank of Huntsville, dated September, 1819. Yet this same letter of the 9th instant, whose "relevancy to the subject-matter of the call" admits of no question, "was not to be found on the files of the Department," or it was purposely suppressed, for it has not been communicated.

By an examination of the documents No. 66, and No. 119, it will be seen that more than half the correspondence with the Bank of Missouri, though called for by a resolution of the House has been suppressed. The importance and very delicate import of a few of these letters will be noticed presently, in connexion with another subject.

But, though there were two calls in this case, either of which rendered it the duty of Mr. Crawford to have transmitted all the correspondence; and though, in answering the second call, he expressly stated that he had transmitted "all the correspondence required by the resolution, except two letters from the Receiver at St. Louis, which were of a confidential nature," yet, your honorable body will find very strong reasons to doubt the correctness of this statement, and I shall be much surprised if the third call, with which he has so tardily complied, has been sufficient to draw from him all the correspondence, even with the Bank of Missouri. The omission of letters, addressed to the Department, might be accounted for on the supposition that they might have miscarried. But this is a casualty to which the letters, or copies of the letters, of the Secretary himself, which should always remain in the Department, are not liable. They may, however, sometimes disappear, as the letter of the Receiver at Edwardsville seems to have done. If not, it will be difficult to account for the absence of a letter of the 30th July, 1819, which is presumed to have been addressed by Mr. Crawford to the Bank of Missouri, upon the authority of a report of a committee of the Legislature of Missouri, at its session in 1822.

This was a committee appointed to examine into the concerns of the Bank of Missouri. Mr. Crawford's letters to that bank were submitted to the inspection of the committee, and the report, which I have the honor herewith to transmit, (11) contains extracts from several of them, among which is one from his letter of 30th July, 1819, of which enough appears to prove that it was embraced by the call, and ought to have been communicated, unless, indeed, it is a mere fabrication by the committee, for which no imaginable motive can be perceived.

I have not time to dwell upon several curious particulars that are disclosed by this report. I beg leave, however, to refer your honorable body to the contract with the Bank of Missouri, as therein set forth. An inspection of it will enable you to decide at once whether it is correctly represented in Mr. Crawford's report of it, and whether he had a right to withdraw any part of the permanent deposite, under any pretence whatever, before the expiration of six months "after it ceased to be employed to receive the public moneys."

In regard to the letters that have been alluded to, I will barely remark, that, if so many of them, actually belonging to the Department, could not be found on "its files," it will not be strange if it shall hereafter appear that the letter of the Receiver at Edwardsville has been overlooked; or, if the former were purposely suppressed, there is nothing improbable in the belief that the latter has shared the same fate.

But this letter may have been received by Mr. Crawford, and he may have forgotten it.

This, I presume, I may fairly demonstrate, by showing that his memory has been extremely treacherous, in other instances, of far greater consequence. For this purpose, I beg leave, in the first place, to call the attention of your honorable body to his oath, before the committee.

Regardless of the salutary admonitions of the proverb "of the glass windows," he has treated my oath somewhat freely, and he can have no reasonable cause to complain if his own shall undergo a slight investigation.

On his examination before the committee, he says, "I never sanctioned the omission of any part of the correspondence."

Now let us hear Mr. Dickins, his confidential clerk. On the examination of this gentleman before the same committee, he says, "It is the general direction of the Secretary, when information is called for, to give every thing that relates to the subject. When the call was made, I looked over all the papers, filed and unfiled, relating to the subject. The papers, after selected, are laid before the Secretary; and in this case, he directed me to collect every thing in the office relating to the subject. They were selected and submitted to his inspection. In this case, from the urgency of it, I took the originals and rough draughts. The papers remained some time before the Secretary, while he was making the report, after I gave them to him, and before he communicated to the House."

Let it be recollected that Mr. Dickins is one of Mr. Crawford's witnesses against me, and enjoys his highest confidence. Now, if, this gentleman swears the truth, I would ask, how it could have happened that so many letters of the correspondence with the Banks of Huntsville and Missouri alone were suppressed, without Mr. Crawford's sanction?

The document No. 119, before referred to, most indisputably proves that upwards of twenty letters of the correspondence with the latter bank were suppressed, on the first call for them; and that these very letters were "in the office." If, then, Mr. Dickins did collect, and lay before Mr. Crawford, "all the papers, filed and unfiled, relating to the subject," which he was strictly ordered to do, and swears he did; by whom could the suppression of so great a portion of the correspondence with the Bank of Missouri have been effected? If not by Mr. Crawford, his own statement shows that it must have been done by Mr. Dickins. To permit so flagrant a breach of trust and confidence to pass with impunity, is to sanction it. If this suppression escaped Mr. Crawford's notice, when he answered the first call for those letters, he could not have been ignorant of it, when he shortly afterwards complied with the second call, by transmitting the very letters that had been suppressed. Yet, we have never heard that Mr. Dickins has been punished, in any manner whatever; and from the relation in which these gentlemen stand to each other, it cannot be presumed that he has been even blamed.

Again: Mr. Crawford, in his testimony, says, "It is usual when resolutions require information which the records or files of the office afford, to send copies; but when there is a press of business, the originals are sometimes sent, as in the present case,"

Thus, it appears, from the oath of these two gentlemen, that Mr. Dickins delivered all the "originals and rough draughts" to Mr. Crawford: and that the latter sent them all to the House. No one therefore could reasonably expect to find copies among them. Yet, upon an examination of the correspondence with the Huntsville Bank alone, it will be found that about one-third of the pages it occupies, and more than that proportion of the letters, are given as extracts. These, surely, can not be originals, unless Mr. Crawford and the President of the Bank of Huntsville were in the habit of sending extracts of their own letters to each other—a novelty that can scarcely be believed to have occurred.

But, besides the striking variance between Mr. Crawford's statement of having sent the originals to the House, and the fact of this case, the transformation of those originals into extracts requires explanation, at least. It is difficult to conjecture any motive for sending these extracts, instead of the originals, unless it was for the purpose of omitting and withholding something which the latter contained. And if Mr. Crawford "never sanctioned the omission of any part of the correspondence," by whom and with what motives could these extracts have been made, and foisted into the place of the originals?

It cannot be too much to say that there appears to have been considerable forgetfulness in some part of this affair.

Mr. Crawford must also have forgotten the resolution of 1816, when, in direct violation of its positive injunctions, he received from certain local banks, in discharge of their debts to the United States, and at par, the large amount of uncurrent notes which, in his report, he admits he did receive from them.

But his memory must have been much more unfortunately treacherous to him in two other particulars relating to this business; for I shall show that he has made two palpable and important misstatements in regard to it.

Being called on by a resolution of the House of Representatives to state the amount of uncurrent paper which he received from the local banks that had been made depositories of public money received from the sale of public lands, he admits the receipt of a large amount from the banks of Edwardsville, Missouri, and Tombeckbee. But, as an excuse for his conduct, he represents those notes to have been deposited in these banks "before the date of their contracts," under which they agreed to account for the public deposites in specie.

This I do most unequivocally and positively aver to be a misrepresentation, and and an indefensible apology; and your honorable body cannot fail to be convinced of it, by adverting to the contracts themselves. I will refer to only one of them at present. The very first article of the contract with the Bank of Edwardsville, under which it received the first cent of public deposites, is in the following words, viz: "1. That the public moneys shall be entered to the credit of the Treasurer *as cash;* which may be seen in document No. 66, letter G, Nos. 1 and 2.

But, for his own opinion upon the subject, even in a case where there had been no express stipulation "to pay cash," I refer your honorable body to his letter L, No. 1, to the President of the Bank of Huntsville, dated the 11th January, 1818, where it will be found that he says: "In making the Planters and Merchant's Bank of Huntsville a place of deposite, at its particular solicitation, it was expected that the transfer of the funds which it undertook to make, would be effected in funds that circulated at par at the place where the transfer was directed. As the Receiver had been directed to receive the bills on no banks which did not discharge them in specie upon demand, it was expected that the bank would be answerable for the amount deposited in specie, or in bills which would be received as specie, at the place to which the money should be directed to be transferred, unless it should state the contrary."

But this is not the worst case. He has, in the same report, misstated the amount of uncurrent notes which he did receive from those banks, making it much less than it actually was; and some of the suppressed letters in the correspondence with the Bank of Missouri will prove it.

This statement, no doubt, will surprise and astonish your honorable body; but you will not long regard it as a proof of temerity. I shall, however, content myself with barely stating enough to carry resistless conviction to your own minds of the truth of it. None shall doubt who will either read or hear the testimony exhibited to you by Mr. Crawford himself.

The suppressed letters B, No. 13, from the President of the Bank of Missouri, dated the 11th October, 1819, and B, No. 19, from Thomas Reddick, agent of the bank, dated the 18th February, 1820, taken in connexion with Mr. Crawford's settlement with the said agent, will prove that the sum of $1,175, which he (Mr. Crawford) received from that bank, though artfully stated so as to disguise the fact, was composed of $290 of notes on the Franklin Bank of Alexandria, and $885 on the Mechanics' Bank of Alexandria.

His own suppressed letter B, No, 7, dated the 29th May, 1819, contains a notification to the Bank of Missouri of the failure of the former of these banks. And a friend has furnished me with the following extract from the files of the National Intelligencer in regard to the latter, viz: "August 28, 1819. The Mechanics' Bank of Alexandria does not redeem its notes in specie, and its notes no longer pass here currently."

The suppressed letters B, No. 25, from himself to the President of the Bank of Missouri, dated the 14th November, 1820, and the President's answer B, No. 26, dated the 12th December, 1820, will show that he received from that bank $40,156, in notes on the Bank of Tennessee and *its branches*, which were deposited in the Branch of the United States Bank at Louisville, on the 21st May, 1820, to meet the Treasurer's draft.

A report from Luke Lea, pension agent at Knoxville, to J. L. Edwards of the Pension Office, dated the 27th January, 1823, shows that these notes were "mostly on the branches of the Knoxville Bank."

I have in my possession proof that those branches stopped payment in the Summer of 1819, but I deem it unnecessary to exhibit it, as every member of the delegation in Congress from Tennessee, as well as other members of Congress, must know that they had failed to redeem their notes in specie, long before the notes in question were received by Mr. Crawford. It is only necessary to add, that none of these notes are included in the amount of uncurrent notes reported by Mr. Crawford.

Now, though the probability that these misstatements were innocently made, is somewhat weakened by the suppression of the letters that would have detected their inaccuracies, I do not deem it necessary to insist that they prove any thing more than a greater degree of forgetfulness and inadvertence, than to have forgot or overlooked such a trifling affair as the letter mentioned in my examination. If they were intentional, it would prove the statement made against me so much the less entitled to credit.

In making deposites in the local banks of Louisville, Cincinnati, Chilicothe, and of the District of Columbia, (in all of which places branches of the Bank of the United States were established,) and, in some instances, continuing those deposites for years in succession, without making any report thereof to Congress, Mr. Crawford must have forgot, for a very long time, indeed, and on a great variety of occasions, both the letter and intention of the following section in the law establishing the Bank of the United States, viz:

"*Be it enacted, &c.* That the deposites of the money of the United States in places in which the said Bank or branches thereof may be established, shall be made in said Bank or branches thereof, unless the Secretary of the Treasury shall, at any time, otherwise order and direct; in which cases the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

Indeed, I am under the impression that, notwithstanding his compliance with the above requisition, on the 10th December, 1817, which proved that it was then fresh in his recollection, and though his connexion with the Bank of the United States, its pressing wants, and the nature of the business he had to transact with it, were all calculated to recall his attention to that part of his duty, almost every day, he himself has, in some one of his reports, admitted that he had overlooked it through "mere inadvertence."

I regret to have to say to your honorable body, that both the state of my health, and the want of time, absolutely compel me, most reluctantly, to close this investigation of Mr. Crawford's well-timed statement against me. In this situation, I beg leave to refer you, for further facts, of which I might, under more favorable circumstances, fairly and successfully avail myself, to a few of the publications under the signature of "A. B.," herewith transmitted.

Avowing myself the author of these publications, and, with the exception of a few unimportant typographical errors, and a mere verbal inaccuracy in regard to the time of a certain report's being made, reasserting, before your honorable body, and the nation, that the facts they allege are substantially true, I do most respectfully solicit that they may be taken as a part of, and be printed with, this communication. In order to strengthen my claim to this indulgence, combining all the rights of defence, of accusation, and of asking for investigation, which can entitle me, as a citizen of the United States, or an officer of their Government, to appear before your honorable body, I do expressly state:

1. That the honorable William H. Crawford, Secretary of the Treasury, has mismanaged the national funds.

2. That he has received a large amount of uncurrent notes from certain banks, in part discharge of their debts to the United States, contrary to the resolution of Congress of 1816.

3. That, being called on by a resolution of the House of Representatives to state the amount of uncurrent notes which he received from these banks, he has misstated it, making it less than it really was.

4. That he has, in his report to the House, misrepresented the obligations of these banks, or some one of them, at least, and predicated thereon an indefensible excuse for his conduct in receiving those uncurrent notes.

5. That he has acted illegally, in a variety of instances, by making and continuing deposites of public money in certain local banks, without making report thereof to Congress, according to law; and

6. That he has, in several instances, withheld information and letters, called for by the House, and which it was his duty to have communicated.

His Oath.—Let it speak for itself.

For specifications of these statements, I offer the publications under the signature of A. B., above mentioned, and this communication; and, for proof, I offer that which they respectively refer to.

All this I do defensively; for, if the facts stated be true, no rational man can doubt that they must weaken, at least, the force of Mr. Crawford's statement against me.

I will not charge him with bad intentions in any of those acts. It is more properly the duty of others to inquire into and judge of that matter. I do not ask for an investigation of his conduct. Such a request ought more naturally to be looked for from himself. But I will say, that if, being an officer of the same Government under which he holds his office, I have wilfully and maliciously misrepresented him, in the six foregoing allegations, it is a misdemeanor that would prove me unworthy of the office I hold. I invite him, or any of his friends, to make this charge against me, pledging myself to waive all notice, and, with all the disadvantages of absence, to submit to an investigation thereof by either or both Houses of Congress, and to abide by the decision thereupon. If this proposition is declined, I trust we shall have no more canting about an "A B. plot." As to myself, I fear not the consequences of any fair investigation, for I know I shall be able, whatever may be the result, to justify myself to the nation. And never having obtained any office by the slightest sacrifice of independence, I never will owe the holding of one to reluctant forbearance, or the courtesy of my enemies.

I will only add, that, if any attempt should hereafter be made, meanly to take advantage of my absence, by those who have forborne to attack me when I could have had an opportunity of defending myself, I must beg of your honorable body, and the nation, to suspend your opinions, and to be assured that there shall be no avoidable delay in vindicating myself. I have in reserve much matter of defensive accusation, and should most certainly have invited your attention to the report concerning the Receivers of Public Moneys at Huntsville, and other matters of no less importance, had time permitted.

NINIAN EDWARDS.

WHEELING, VA., APRIL 6, 1824.

Some desultory conversation took place, as to the proper course to be taken with this communication, between Messrs. A. STEVENSON, FLOYD, CUTHBERT, KREMER, TRACY, MCLANE, of Delaware, and WARFIELD.

Mr. FLOYD moved to lay the memorial on the table.

Mr. TUCKER, of Virginia, moved that the address and accompanying papers, be printed, desiring to see the whole truth, whatever it might be. Mr. WARFIELD called for the reading of the address, and the Clerk proceeded accordingly to read it.

The reading had continued about half an hour, when, the address not having been gone more than half through, Mr. WARFIELD said he was satisfied as to the character of the paper, and did not wish the time of the House to be taken up with it longer, as it would obviously require considerable time. Mr. BUCHANAN inquired what the object of the memorialist was, or whether he requested any thing specifically of the House? Mr. MOORE, of Alabama, required that the reading should proceed.

The reading having been finished—

Mr. TUCKER, of Virginia, said, he was free to declare, now that he had heard the memorial read, that the style and temper in which it was written, manifested so much personal and party feeling, that he should then withdraw his motion to print, but for one consideration. It is well known, he said, that the distinguished individual whose character is assailed in that memorial, stands in a very peculiar relation to the public, and that every thing which concerns his character, in the smallest degree, will be regarded with the liveliest interest by the people of this country. Sir, we are bound to represent, not merely the interest of the people, but their feelings too; and they will not be satisfied if this accusation is prevented from going abroad to the world. This was all I meant, in saying I wished the whole truth to come out. I was far from meaning to imply, that any gentleman was not willing to have a full investigation of the subject. Mr. T. remarked that, although that House ought not to be made the vehicle of private calumny and detraction, nor be the theatre on which individuals, however elevated they may be, should settle their controversies, yet, when it was recollected how sensitive, how tremblingly alive the people were to every thing which affected the characters of those who stood in the same relation to the public as the officer who was now accused, he thought the whole of the charges brought against him ought to be published. If these charges deserved the character of malignity imputed to them by his worthy colleague, (Mr. **Floyd**,) and he was not now disposed to contest the matter with him, or to give any opinion on the subject, that malignity would recoil upon its author. Mr. T. said he had unshaken confidence in the character and integrity of the distinguished officer who had been thus attacked, and he had no doubt that on this, as on all other occasions, the accusations against him would prove to be false and unfounded. He must, however, persist in his motion for printing.

Mr. **Webster** observed, that, in the present delicate affair, the first duty of Congress was, to look to its own course, and preserve its own dignity. He had no idea that this House was to be converted into an arena on which prominent political men were to carry on their personal contests; or a mere instrument, through its power to order papers to be printed, of giving publicity to any thing they might choose to write against each other. If the gentleman from Virginia, who had made the motion to print, did not intend to follow up that motion by any other, he should certainly oppose it—as the only legitimate end of printing papers in this House was for information of members of the House, and not to spread it through the nation. But, if any motion should be made for a committee of investigation, it should have his support; and if the present motion to print, was only preparatory to such a measure, he should not object to it, though he could not consider it as very necessary.

Mr. **Floyd**, of Virginia, said, that when he made the motion to lay the memorial on the table, he had done so, because it was the usual course with such papers; but, since it had been read, he was disposed to have it examined, not, he said, because it purported to be a defence, but because, it contained specific charges against one of our officers. Mr. F. said he was opposed to the printing of the memorial, until it could be examined by a committee, and determined, on more reflection and investigation, what ought to be done. This was due to the charges made. As to the rest of the extraordinary production, said Mr. F., it cannot be animadverted upon in terms suitable to it. The charges appear to contain nothing but a reiteration of those made by the A. B. conspirators; nor did I think the author of that plot would have ever had the unblushing effrontery to acknowledge himself such. This Iago, however, has chosen to acknowledge the fact, and reiterate the charges formerly made, and seems to think, that his late station as Senator, and his recent appointment by the President, as Minister Plenipotentiary to Mexico, will give a more imposing character to the plot, and that, under the sanction of his own name, with the authority of office, that may now be effectuated, which the anonymous writer failed to do.

Every member of the last Congress, said Mr. F., will recollect that two several committees were appointed to investigate this matter; and every one then seemed to consider that attack as the most infamous conspiracy that was ever formed against the reputation of any man. I am unwilling that this House should become the theatre for any political juggler, or the arena where individuals can come to adjust their disputes. I have too high a respect for the dignity of the House, and, I trust, for myself; but, as there is a specific charge, that may be attended to, I am willing to investigate it; though I will not admit that, because he has been a Senator, is now a Minister to Mexico, and enjoying the confidence of the President, that, therefore, his statements are to be received as he would wish them. The writer has not justified himself or defended himself from charges, which he says were made against him, but has cast imputations upon all who seem to have been in the way of his original design, which has been pursued with pertinacious malignity. Were this man's request allowed, and his calumnies printed by the House, would it not be right to receive and print also the defence of Mr. Dickins, or any other citizen? Why has he left the subject of his own defence to attack the character of Mr. Dickins? That could not have been necessary. Mr. Dickins has a right to be heard as well as a Minister to Mexico, as, I trust, every other American citizen has, without regard to station, and when the two former committees of this House investigated this matter, his character was admitted by all to be good, and entirely unexceptionable. I, too, have heard this of him ever since I have been in Congress, though I should not know him, were we to meet in the street; and, all agree, that he has discharged his official duties with honesty and attention, which is, in my opinion, no small recommendation.

Why has this Minister to Mexico, who enjoys the confidence of the President, left the subject of his defence and referred to the subject of the illicit introduction of slaves by a man who was the friend of Mr. Crawford? Is he to be accountable too for his friend's conduct? I do not know any thing of that matter, said Mr. F., but this I know, that one of the gentlemen who suffered by that attack, of which that memorial reiterates a part, has been here demanding reparation for wrongs suffered in that affair; I know him too, to be an honorable man, and that he will have that matter adjusted. His presence here was known, I presume, to the Minister to Mexico, and he should then have taken up this part of his subject. One would think, said Mr. F., that the object of this political Caliban was more extensive than merely to do himself justice, or his scope would not have been so broad. The A. B. conspirator, however, ought not to have again attempted to consummate the object of his wishes, after he had, in such a sort, succeeded in obtaining the appointment of Minister to Mexico and the President's confidence. He had obtained the reward of so much toil, so much industry, and so many dangers, and he ought to have left behind him the honest reputation to those who had it, as it no longer proved a barrier to his march to the Mission to Mexico and the President's favor.

Look at it. Can any man believe, for an instant, from the manner in which this memorial is brought up, that it is not a deliberate design to operate upon those feelings which, at this time, so much agitate this country and this House? How all that volume could be written from Wheeling, on the Ohio river, with a reference to so many public documents, is more than I can comprehend, and more than I believe. There are two or three charges specifically made, and yet, from his absence, he wishes the public to suspend an opinion in regard to him, should matters turn out unfavorable to him, until he can get back. Why then make them? There are, said Mr. F., several persons in the Government, in whom I have great confidence—but I have more in myself; and I wish these charges to be investigated again, and justice done, though I do not doubt it will result, as did the inquiry by the former committees, which I had thought would have prevented all similar attempts; and, considering the question which now occupies the public, and his success in obtaining office, I did not think that one of those conspirators would have had the audacity, in his own name, to avow himself, and show his unblushing front to this House and the nation; though, if my memory does not fail me, I saw in the newspapers, whilst his nomination was before the Senate, a statement which I believed was authorized by himself, that he was not the author of that plot. Had he been known as the author of that infamous conspiracy, I think I hazard little in saying, that the Senate would not have confirmed his appointment. Mr. F. concluded by moving that the memorial and papers be referred to a select committee.

Mr. LIVERMORE suggested to Mr. TUCKER the propriety of withdrawing his motion to print the papers, that a decision might first be had on their reference to a select committee.

Mr. TUCKER, of Virginia, observed, that he thought the gentleman from Massachusetts (Mr. WEBSTER) somewhat mistook the character of an order to print. Mr. T. did not consider that, in doing so, the House lent its sanction, in any degree, to the document ordered to be printed. It was merely to enable the members to examine a subject at leisure, and understand it thoroughly. Here is a very long memorial, containing facts and argument, and much of it subtle argument too, of which it is impossible to judge without a deliberate examination. After it is printed and examined, it may appear that further inquiry is proper—or, it may seem to be unnecessary. I thought it premature, at this time, to give an opinion on the subject. But, as my colleague seems not unwilling to engage in the investigation, and has moved a reference of it to a select committee, my object of giving it publicity will be attained, and I withdraw my motion to print.

Mr. RANKIN wished that the communication of the Secretary of the Treasury, to which the present document refers, might be referred to the same committee.

Mr. WRIGHT moved to amend Mr. FLOYD's motion, by adding, "and to print it."

Mr. FORSYTH said, he thought much more importance was given to this subject than it deserved. It was an ordinary question to print a long statement for the use and information of the House, and not for the public. He was never unwilling to print any paper of public interest. During the many years he had been a member of this House, he had never seen any evil arise from printing papers. Whether the House ordered the statement to be printed or not, it would doubtless be circulated in the public newspapers, and he had no doubt it was prepared for that purpose. It was intended, he presumed, as a sort of legacy to the country, by the author, who was going as Minister to Mexico—as a mark of his gratitude for the honor of his appointment. This honorable gentleman, said Mr. F., was a Senator in Congress when the former investigations took place by committees of this House; the committee gave him an opportunity of disclosing all he knew of the allegations, and, after a full examination, reported that they were fully satisfied of the groundlessness of the charges. It was the duty of this Senator, as a public man, at that time, and while he was a member of the Senate of the United States, to hold up to the public every defaulter in office with which he was acquainted; but, instead of doing this, he waits until his appointment to a foreign mission is confirmed, and when he is about to leave the country, sends forth this precious paper, pretending to be a defence of himself, but in reality an attack on a high officer of the Government, to be circulated after he shall have been beyond the reach of any call on him to substantiate his charges. He does not ask us to go into an investigation of the subject; and Mr. F. believed that the writer did not expect the House would take any notice of his communication. That was not the writer's object; he only requests the House to put it on its files—to print it, when he shall not be here to make his charges good. This, I believe, said Mr. F., is the third impeachment exhibited against the Secretary of the Treasury, during the present session of Congress: one of them is by this honorable gentleman; another was by a certain John Henry—a name of evil omen in this country, said Mr. F.—[some member here said to Mr. F., that the person's name was *Robert* Henry]—I am sorry for it, said Mr. F., as their designs were so similar, it is a pity their names were not the same.

Mr. F. concluded by saying, he hoped the communication would be printed as a matter of course, and that the subject might go to a select committee for investigation.

Mr. Wright, of Ohio, (who was not a member of Congress when the former investigation took place into the subject of the bank correspondence and the alleged suppression of a paragraph in one of the letters,) said that, since he had taken his seat as a member, he had bestowed much attention on the report of the committee of investigation, and he was perfectly satisfied with the correctness of the conclusion, which the committee had come to; but he was willing it should again be investigated, and therefore withdrew his own motion to print the statement of Mr. Edwards.

Mr. Sanford thought a matter of so much importance should be referred to a committee composed of a member from each State; that is, twenty-four members.

This motion was rejected almost unanimously, and a committee of seven members was ordered.

Mr. McArthur moved that the committee be appointed by ballot, instead of by the Speaker; which motion was also negatived.

Messrs. Floyd, Livingston, Webster, Randolph, Taylor, McArthur, and Owen, were appointed the said committee.

On motion, the committee were then empowered to send for persons and papers.

FORTIFICATIONS.

On motion of Mr. McLane the previous orders of the day were dispensed with, and the House went into Committee of the Whole, on the bill "making appropriations for completing the several fortifications of the United States—Mr. Lathrop in the Chair.

In relation to the appropriation of $125,000, for the fort at Mobile Point, Mr. Cocke called for further explanation, which was given by Mr. McLane, Mr. Hamilton, and Mr. Owen of Alabama.

Mr. McLane moved to change the appropriation of $50,000 from Fort Fayette, in New York harbor, to the projected work on New Utrecht Point, in the same harbor; and supported the motion by giving a statement of the circumstances bearing on the question.

Mr. Cocke opposed the amendment, as going to authorize a new fortification, before those already commenced were finished.

Mr. Hamilton spoke in reply, and defended the propriety and necessity of erecting the work proposed.

Mr. McLane confirmed the same view, and explained the connexion of the proposed fort with the general plan of defence.

Mr. Sharpe stated some further facts, and contended that the proposed fortification, as a necessary defence to Fort Lafayette, was not a new measure, but only completing what was already begun.

Mr. Cocke again urged his objections, and was replied to by Mr. Cambreleng and Mr. McLane.

Mr. Cobb thought that a clause in an appropriation bill was not the mode in which Congress should express its will for the extension of the plan of defence; and that the size and location of the several fortresses should be designated by law before money was appropriated for building them.

Mr. McLane replied, and Mr. Cobb explained, and enforced the grounds he had taken, and Mr. Hamilton spoke in reply.

The question was then taken on Mr. McLane's motion, and decided in the affirmative—85 to 45.

Mr. McLane moved further to amend the bill, by inserting a clause to appropriate, for the gradual armament of the fortifications, one hundred thousand dollars.

Mr. Hamilton supported this amendment. He stated that a bill to this effect, appropriating a larger amount, had passed the Senate, and was referred to a committee of this House. That committee had agreed not to press the passage of the bill from the Senate, provided the amendment, now proposed, were agreed to by the House.

Mr. Cobb and Mr. Vance, of Ohio, were opposed to the incorporation of this appropriation with the bill now before the House, desiring that it should be separately presented.

Mr. Hamilton replied.

Mr. Reed, of Massachusetts, made some remarks in reference to the prices which had been heretofore given for cannon, and the means which ought to be taken for procuring them.

Mr. McLane said, he did not particularly wish to press the subject on the House at this time. He therefore withdrew his amendment.

Mr. McL. then moved to amend the bill, by inserting an appropriation for certain improvements to be made in the buildings attached to the Military Academy at West Point. This amendment was rejected—37 to 72.

Mr. Stewart moved to amend the bill, by inserting an appropriation for surveying the route of a canal to connect the waters of the Chesapeake with the Ohio, and of the Ohio with Lake Erie, $9,000. Mr. S. read an extract from the late Message of the President to prove the propriety of this amendment.

Messrs. Mercer and Vance, of Ohio, opposed this appropriation; and Mr. Stewart spoke again in support of it. The amendment was rejected, without a division.

The Committee then rose, and reported the bill to the House.

Mr. Forward gave notice that he should, on Thursday next, ask the House to go into Committee of the Whole, to take into consideration the bill "imposing a tax on sales at auction."

Mr. Crowninshield gave notice, that he should, to-morrow, ask the House to go into Committee of the Whole on the bill from the Senate, "to provide for building ten additional sloops of war."

The House then adjourned.

TUESDAY, April 20.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to alter the times of holding the district court in the district of Missouri," reported the same without amendment, and it was ordered to be read a third time to-morrow.

Mr. HAMILTON, from the Committee on Military Affairs, made a report on the petition of John Top, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. LONG laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the Postmaster General be requested to lay before this House a statement of all the post routes now established, not included in his statement of unproductive post routes already submitted to the House; together with a statement of the amount paid for the transportation of the mail on each route, the number of mails on each route per week, and the amount of profits arising from each one. Also, the amount that would be saved by discontinuing certain unproductive routes, as proposed by the bill reported by the Committee on the Post Office and Post Roads; likewise, the amount that might be saved by having one mail instead of two, on all routes where there are now two mails a week.

On motion of Mr. TAYLOR, a committee was appointed on the part of this House to join such committee as may be appointed by the Senate, to examine and report what business ought to be acted upon at the present session; and, also, at what time the session may be closed, by the adjournment of the two Houses.—Messrs. TAYLOR, MCLANE of Delaware, FORSYTH, RANKIN, and CAMPBELL of Ohio, were appointed the committee on the part of this House.

Mr. CUSHMAN submitted the following resolution, viz:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of laying a duty on stills, or on spirits distilled from foreign and domestic materials, within the United States.

The resolution was read; and, on the question, Will the House now consider it? it was determined in the negative.

The resolution of Mr. LONGFELLOW, calling on the President for information respecting certain spoliations on our commerce by French cruisers, was taken up, and, having been supported by Mr. L. in a few observations, was adopted.

Mr. FORSYTH suggested that the same information had been called for by a resolution of the Senate, but, afterwards withdrew that objection to the resolve, which finally passed *nem. con.*

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, requesting a detailed account of the disbursement of the sums appropriated by the acts of the 30th April, 1818, and of the 3d March, 1819, for making certain improvements in the grounds connected with the public offices and the President's house, I transmit a report from the Commissioner of the Public Buildings, which contains the information desired.

JAMES MONROE.

WASHINGTON, *April* 18, 1824.

The SPEAKER, by leave, presented the memorial of Amelia Eugenia de la Rue, heiress of M. De Beaumarchais, in relation to her claim for repayment of moneys advanced by her late father for the service of the United States.

Mr. TAYLOR expressed a hope that the memorial would receive the early attention of the House.

Mr. TUCKER, of Virginia, chairman of the committee to whom was referred the papers in relation to this claim, after some observations on its importance, gave notice that he should, on Tuesday next, call up the consideration of the committee's report on the subject.

INDIAN RESERVATION.

The resolution, offered yesterday by Mr. MOORE, of Alabama, calling for certain information from the War Department, in relation to an Indian reservation, was taken up. Mr. M. said it was doubtless expected of him to assign some reasons for the call on the War Department for the information sought by the resolution, which he should endeavor to give in as concise a manner as possible. It will be recollected, said he, that, some time since, a petition of the said George Harlin, alluded to in the resolution, was presented, setting forth that he held, by virtue of the treaty alluded to, a reservation of 640 acres of land; that, in the location of this reservation, for the want of better knowledge of the geography of the country, he committed an error in its location, and did not cover the land he designed, and asked the liberty of changing its location to a more favorite and valuable tract. A bill, embracing the prayer of his petition, has been reported, and is now on file. Since it was so reported, I have received several communications from gentlemen of the first standing and respectability in the county and neighborhood where this reservation is situated, remonstrating, in the strongest terms, against the propriety of the passage of this bill, stating, among other objections, that the tract of land which the petitioner wishes to obtain has been made more valuable by means of the labor and improvements placed upon it by unfortunate settlers, and the high state of cultivation it has been put in, together with the accidental circumstance of the establishment of the seat of justice for the county immediately on its borders. It is also intimated, sir, that this idea of a mistake and wish to change the location has originated in speculative motives.

Now, sir, that we may have all the light and information of which the subject is susceptible, and act understandingly, and be enabled to do justice to the present occupants, who, I have no hesitation in saying, are more entitled to our sympathies than an Indian, I have proposed the resolution calling upon the proper department for all the information in relation to the transaction, and hope, sir, it will be acceptable to the House to adopt it. The resolution was agreed to.

ADDRESS OF NINIAN EDWARDS.

Mr. Forsyth submitted the following resolution for adoption by the House:

Resolved, That the President be officially informed that this House has ordered an investigation of the memorial presented to this House on the 16th instant, by N. Edwards, lately appointed Minister to Mexico; that the said N. Edwards may be instructed not to leave the United States before that investigation has taken place.

The question of consideration of this motion being called for, (a previous, but not usual question,) was taken; and there were: for considering the motion 61; against considering it 84.

So the House refused *now to consider* the proposition.

Mr. Moore, of Alabama, then rose, and said that, connected with the subject, he would take occasion to say, that the gentleman from Virginia (Mr. Floyd) was absent from the House this morning when that part of the Journal was read which announces the names of the persons appointed on the committee to consider the memorial of Mr. Edwards. As he believed that, from considerations of delicacy, the gentleman from Virginia would not wish to be a member of the committee, Mr. M. took this mode of apprizing him of the fact, that he might have an opportunity of asking to be excused from serving upon it.

Mr. Floyd rose, and requested the gentleman from Alabama, if his allusion was to him, to repeat his statement. Mr. M. accordingly, in substance, repeated his statement.

Mr. Floyd then said that, in a case of delicacy concerning him, (Mr. F.,) he had hoped that the gentleman from Alabama was the last man in this nation to undertake to make suggestions, and he did not think his doing so showed any delicacy on his (Mr. M.'s) part. I am, said Mr. F., the sufficient judge of my conduct in such a case. Perhaps the gentleman from Alabama may be acquainted with some circumstances of the A. B. Plot, so called in the discussion last Winter, and subsequently. If I know any thing of myself, however, I am capable of doing justice to every individual in this nation, whose conduct may be presented to me, in my official capacity, for examination. When a specific charge is made against a public officer, after the friends of that officer, and myself by name, have been called upon, through that paper which is the channel of every thing but truth, to propose an investigation, I thought it became peculiarly my duty to investigate the charge. What I think of the accuser in private life is for me to consider, and does not touch my public duty. Mr. F. here alluded to a friend of the gentleman from Alabama, (as we understood him,) who had for several successive sessions called upon this House for the impeachment of a judge, whom, it seemed, he had previously attempted to bribe, &c.; and here, he said, were charges one, two, and three, asserting certain accusations against the Secretary, and calling for an investigation. This, surely, was sufficient reason for an investigation being pressed by those thus called upon. The devil himself might prefer charges here—it would not change our opinion of that personage—but it would surely be a particular reason for an investigation by those who are implicated. So far as the gentleman from Alabama is concerned, said Mr. F., perhaps there may be other reasons for consulting motives of delicacy. When I do want suggestions of that sort, I should think very differently of myself from what I have been accustomed to do, were I to be obliged to go to him for them.

The Speaker said there was no question before the House, and the suggestion of the gentleman from Alabama having been made and answered, the conversation must drop.

Mr. Moore then rose, and moved that the gentleman from Virginia should be excused from serving on the committee.

The question of consideration being called on this motion, the mover withdrew it.

Mr. Moore then asked to make a remark in reply to Mr. Floyd; but the Speaker declared it to be out of order. Mr. Moore wished to know if it would be in order to ask leave of the House to speak in reply? The Speaker thought not.

Mr. Moore then renewed his motion, in the following words, with a view in this way to have an opportunity of addressing the House.

Resolved, That John Floyd, a member of this House, be excused from serving on the committee appointed yesterday, on the subject of the memorial of Ninian Edwards.

The question being taken on considering this motion, it was decided in the negative, almost unanimously; and so this matter ended.

FORTIFICATION BILL.

The amendments yesterday reported by the Committee of the Whole on the bill making appropriations for erecting fortifications were read.

The House agreed to the several amendments, with the exception of that which substituted some other words for the term *reconnoisance*.

Mr. Cocke moved to strike out the appropriation of $50,000 for a fortification on Narragansett bay. He objected to the general policy of erecting insulated fortifications for the defence of single towns. He thought that the strength of the Government ought to be devoted to securing two or three great points, such as New York, the Chesapeake, and the Mississippi; and he called upon the chairman of the Military Committee for information on the subject.

Mr. Hamilton replied, and went into an illustration, at some length, of the present system of exterior defence to which the bill had reference.

Mr. Durfee, of Rhode Island, succeeded, and replied to the objections of the gentleman from Tennessee, supporting his observations by extracts from the reports of the Commissioners of the Navy, stating the importance of Narragansett bay as a rendezvous for the Navy. He contended that its fortification was a national, and not a merely local object. He showed its value to an enemy, and quoted authorities to show that the British were well aware of the importance of this point on our coast.

Mr. Cocke replied. His observations, he said, had not had any exclusive reference to this point, but to the general system on which the Government seemed to be acting, but which had never been submitted to, or affirmed by, the judgment of this House. He should oppose the appropriation till that system had been fully explained, and the House had had an opportunity to approve or condemn it.

Mr. Durfee rejoined, and further referred to documents in support of the expediency of the appropriation.

Mr. Stewart opposed the appropriation for this fort, on account of the time and the manner in which it was asked for. He would vote to complete such works as are begun, but for no new works, until the whole system is exhibited, and Congress can determine how far it is proper to go in its adoption. He advocated at large, as a preferable system of defence, the adoption of canals along the seaboard, and wished that both these systems should be submitted to Congress. He also referred to the large contributions of the Western States for the defence of the seaboard.

Mr. Farrelly, in reply, advocated the propriety of the present fortification, and of forts in general, as a suitable support to the exertions of militia for the defence of the country, and referred to the history of the late war for confirmation of the correctness of his position.

Mr. Bartlett rose in reply to Mr. Stewart, and condemned the strain of some of his remarks, as referring exclusively to the interests of the West. He noticed the objections made to the appropriation, which, he contended, did not apply to it. The present fort might be erected without pledging the country to any general extension of the system of defence, by means of fortifications. He dwelt on the importance of this point as one necessary to be defended.

Mr. McArthur wished for further information as to the total cost of the fortifications contemplated for protecting Narragansett bay.

Mr. McLane replied, and gave a general account of the contemplated system of defence. He went into an extended exposition of the importance and necessity of the fortification now asked for; he stated the capacity of the country generally to sustain the expenses of defending itself; and on this part of the subject, declared that, according to the present prospect of its finances, the national debt will be extinguished by the year 1832, even allowing for any diminution occasioned for a time by the proposed tariff.

Mr. Wood, of New York, supported the appropriation in a short speech.

Mr. Tracy was opposed to the measure, which he did not think warranted by the finances of the country. He was of opinion that we are going too far and too fast in these appropriations.

Mr. Fuller replied to the gentleman last up, combatted the several objections which had been advanced, and contended that this was a proper time to commence the fortifications in Rhode Island.

Mr. Durfee corrected what he considered to be a misstatement of Mr. Tracy, on the expenses of the general system.

Mr. Ross, intending to vote against the appropriation, stated the views that would govern him, and he adverted to the misapplication of part of the moneys heretofore appropriated for fortifications of importance superior to that now in question, &c.

Mr. Tracy explained, in reply to Mr. Durfee, and further insisted on the views he had formerly expressed.

Mr. Cobb called for the yeas and nays.

Mr. Cocke now modified his amendment, so as to strike out, also, the appropriation for a fort on New Utrecht Point, in the harbor of New York.

Mr. Wood, of New York, opposed the motion, and adverted to the experience of the war of the Revolution, as showing the necessity of such a fortification. He insisted that it was sound economy to put up these forts; great interests were jeopardized by admitting the erection of these defences, and double expense incurred for an inefficient defence by militia.

Mr. Foot, of Connecticut, in a short speech, advocated the striking out.

Mr. Sharpe replied. He thought these forts could not be commenced a day too soon. If New York and Rhode Island were not thought worth protecting, he should vote against the whole bill. On the requisition of Mr. S. the question was divided, and being first on striking out the appropriation for Narragansett bay—

Mr. Trimble said he had no objection to these appropriations, provided the whole amount granted this year for the purpose of erecting fortifications, did not exceed $500,000. The haste with which the system had heretofore been pursued had brought the nation to loans, and to postponing the payment of the public creditors. He thought that it would be sufficient for the present year to buy the land for these forts.

Mr. Wood replied, and dwelt on the necessity for fortifications. In the late war, the nation had paid three hundred and twenty-six thousand militia, besides her regulars. With sufficient forts, twenty-six thousand would have done as much. Money applied wisely in defence, was the best means of preventing the augmentation of the public debt.

Mr. Allen, of Massachusetts, was opposed to the appropriation. He discussed the merits of the general system devised for fortifications, which he thought was going beyond the resources of the country.

Mr. McLane, of Delaware, again rose, and replied to the objections urged in various parts of the House, and made a variety of explanations on the subject of the bill.

Mr. Trimble said a few words in reply to Mr. Wood, on the expenses of the last war, as arising not from the want of forts, &c., but of sufficient roads, and other conveniences for the movement of troops.

Mr. Hamilton advocated the appropriation, and went at large into a defence of the system of permanent fortifications, of which this was a part.

Mr. Cobb remarked on the present state of the national funds, and contended that the balance now in the Treasury was almost all liable to be drawn out by the Commissioners of the Sinking Fund, to comply with the national engagements.

The question was then taken on striking out the appropriation for the fort at Narraganset Bay, and decided in the negative—yeas 62, nays 120, as follows:

Yeas—Messrs. Abbot, Bartley, Beecher, Blair, Brown, Buchanan, Buck, Buckner, Campbell of Ohio, Cary, Cobb, Cocke, Conner, Culpeper, Day, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Gazlay, Gist, Henry, Johnson of Virginia, F. Johnson, Kremer, Leftwich, Letcher, Long, McArthur, McCoy, McKean, McLean of Ohio, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Ross, Saunders, Sandford, Sloane, Spaight, Standefer, Stewart, Test, Thompson of Georgia, Tracy, Vance of North Carolina, Vance of Ohio, Warfield, Whittlesey, White, Wickliffe, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wilson of Ohio, and Wright.

Nays—Messrs. Adams, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Allison, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Bradley, Breck, Burton, Cady, Cambreleng, Carter, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Cushman, Cuthbert, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gurley, Hamilton, Harris, Harvey, Hayden, Hayward, Hemphill, Herrick, Herkimer, Hobart, Hogeboom, Hooks, Houston, Isacks, J. T. Johnson, Kent, Kidder, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Little, Livermore, Livingston, Locke, Longfellow, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mallary, Martindale, Marvin, Mercer, Mitchell of Maryland, Moore of Alabama, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Richards, Rives, Scott, Sharpe, Sibley, Arthur Smith, Alex'r Smyth, William Smith, Spence, Sterling, A. Stevenson, Stoddard, Strong, Swan, Taliaferro, Taylor, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Williams of New York, Henry Wilson, Wood, and Woods.

Mr. Cocke then withdrew the residue of his amendment, and the bill was ordered to be engrossed for a third reading to-morrow.

And then the House adjourned.

Wednesday, April 21.

Mr. McLane, of Delaware, from the Committee of Ways and Means, reported a bill for the relief of Archibald Clarke; which was read twice, and committed to a Committee of the Whole.

Mr. McLane, from the same committee, to which was referred the bill from the Senate, entitled "An act to provide for the sale of the warehouse at the quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling-house at the Balize, in said State, for the use of the boarding officer at that place; and for other purposes," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. McLane, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of Elijah Van Syckel, of Philadelphia," reported the same without amendment, and it was committed to a Committee of the Whole, to which is committed the bill of this House, for the relief of the same individual.

Mr. Williams, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Thaddeus Mayhew," reported the same with an amendment; and the bill was committed to a Committee of the Whole.

The following bills from the Senate, viz: "A bill in addition to the acts relative to the election of President and Vice President of the United States;" also, a bill "for the relief of William Duane," were twice read and referred.

The amendments of the Senate to a bill from this House concerning invalid pensioners, was referred to the Committee on Pensions.

The House then went into Committee of the Whole, (ayes 69, noes 54,) on the state of the Union.

Mr. Crowninshield moved to take up the bill from the Senate, authorizing the building of an additional number of sloops of war. The question being taken, it was decided in the negative, ayes 69, noes 71. The Committee then rose.

On motion of Mr. Rankin, the House then went into a Committee of the Whole on the bill "supplementary to an act providing for the correction of errors in the entry of lands at the land offices."

The bill was read. On motion of Mr. Rankin, it was slightly amended in the 1st section.

The question being on rising and reporting the bill, a debate arose, in which Messrs. Rankin, of Mississippi, Campbell, of Ohio, Cook, of Illinois, McCoy, McLean, of Ohio, Sandford, of Tennessee, Conway, of Arkansas, and Henry, of Kentucky, took part.

Several farther amendments proposed to the bill were rejected, and the bill was reported to the House.

Mr. Whittlesey, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Captain Thomas Staniford," reported the same with an amendment, and the bill was committed to a Committee of the Whole.

Mr. Newton, from the Committee on Commerce, who were instructed on the 12th instant, to inquire into the expediency of so modifying or amending the act for enrolling and licensing ships or vessels to be employed in the coasting trade or fisheries, and regulate the same, so as to exempt all vessels and boats employed in navigating the canals in the State of New York, from the necessity of being enrolled or licensed, and from the payment of tonnage duties, reported, that it is inexpedient so to modify or amend the said acts; which report was read and concurred in by the House.

Mr. **Newton**, from the same committee, reported a bill to allow the bounty to vessels employed in the cod fisheries, in certain cases; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. **Long**, the Committee of Ways and Means were instructed to inquire into the expediency of so amending the act of the present session, authorizing the executors of John B. Mebane to collect certain arrears of tax, as to authorize the said executors to collect arrears of internal duties.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act concerning the invalid pensioners," with an amendment. They have also passed a bill, entitled "An act in addition to the acts relative to the election of President and Vice President of the United States;" and a bill, entitled "An act for the relief of Colonel William Duane;" and a joint resolution fixing the time for an adjournment of Congress; in which amendments, two bills last mentioned and resolution, the Senate ask the concurrence of this House.

The bill from the Senate, entitled "An act to alter the times of holding the District Court in the District of Missouri," was read the third time, and passed.

The **Speaker** laid before the House a report of the President of the Washington Canal Company, of their receipts and expenditures, during the last year, made in obedience to the requisitions of their charter; which was referred to the Committee for the District of Columbia.

Mr. **Long**, of North Carolina, moved that the Committee of Ways and Means be instructed to inquire into the expediency of so amending the act for the relief of John B. Mebane, as to include in its provisions, internal duties as well as direct taxes, to be collected by his executors.

The motion was agreed to.

The resolution yesterday offered by Mr. **Long**, on the subject of post routes, was taken up. He explained the object of the resolution, which was opposed by Mr. **Taylor**, of New York, in a few remarks.

Mr. **Long** then modified his resolution by omitting all but the following:

"*Resolved*, That the Postmaster General be directed to lay before this House a statement of the amount that would be saved by discontinuing certain unproductive routes, as proposed by the bill reported by the Committee on the Post Office and Post Roads; likewise the amount that might be saved by having one mail instead of two, on all routes where there are now two mails a week."

Mr. **Cocke** and Mr. **Reed** opposed the resolution, and, at the motion of Mr. **McCoy**, it was laid on the table.

ADDRESS OF NINIAN EDWARDS.

Mr. **McDuffie** offered the following:

"*Resolved*, That the Clerk of this House be directed to furnish the President of the United States with a copy of the memorial of Ninian Edwards, recently presented to the House, containing certain charges against the Secretary of the Treasury."

Mr. **McDuffie** said, that he regretted that the subject had been presented to the House at all; but, since it had, he thought the facts should be submitted to the President of the United States, that he might take such course as he may deem proper in this matter, it being a dispute between his own officers.

Mr. **Saunders** accorded in the propriety of the resolution, and suggested an amendment, that the President be informed of the organization of a committee, by this House, to investigate the case. This course, he said, would not surprise the President. If the President should choose to recall Mr. Edwards, he would have it in his power to do so. He might be permitted to say, that the course of Mr. Edwards was not the same as that pursued towards Mr. Hamilton, then Secretary of the Treasury, in 1794. Mr. Giles called for information, and boldly offered and supported his motion, and did not throw charges into the House, and leave them to pursue them if they could. The same course ought to have been pursued by Mr. Edwards in this case, instead of which he has departed hence on his way to a foreign station, and thrown his charges back upon those he has left behind.

Mr. **Webster** said, he hoped he might be excused for making a single remark, without going farther. It was obvious that the committee, which had been appointed, had no time to make any progress in investigating the charges of Mr. Edwards, at this session. He hoped the House had confidence enough in the committee to agree to the motion he should now make, which was, to defer acting upon this motion until to-morrow morning. With this view, Mr. W. moved that the motion lie on the table.

This course was agreed to, without a division.

FORTIFICATION BILL.

The engrossed bill making appropriations for the fortifications of the United States, was read a third time.

Mr. **Cobb** moved that the bill be recommitted to the Committee of Ways and Means, with instructions so to amend it, as to reduce the total sum appropriated for the present year to $400,000; and supported the motion by a speech, in which he insisted that the system of defence, to which this bill has reference, had never been adopted by the Government of the United States. It might have been desired by one of the Departments, but had received no sanction from Congress. He wished to have the whole system spread out before the House, and to know its form and extent. He at present knew little or nothing about it—and he should oppose all appropriations, at least for new works, until Congress had opportunity to investigate and decide upon the eligibility of the general plan.

Mr. **Little** moved to amend the motion by striking out 400,000 and inserting 500,000.

Mr. **Cobb** spoke in explanation.

Mr. Little replied, and advocated the propriety and necessity of permanent works of defence. During the late war, more money had been expended in temporary works, now useless, than all that had since been appropriated to the erection of the large and valuable works that have been erected. He thought, in the present state of the Treasury, it was perfectly proper to proceed with the system of defence which had been commenced.

Mr. Tracy, advocated the amendment, and contended that, in general, $500,000 was as much as could advantageously be applied to this object, within a year. He replied to the argument of the gentleman from Maryland, drawn from the last war, which, he insisted, would go to show the propriety of a great standing Army, and an immense Navy. This branch of expenditure should be restricted, as well as other branches. If so large a sum was indispensable for Fort Jackson, and the fortification at Mobile Point, let it be taken from other parts of the plan. If these sums were granted now, more would probably be asked for next year, &c.

Mr. Owen spoke in reply—and contended that it was bad economy to grant the sums necessary for completing these works, in such small parts at a time, as to delay their completion, and expose what was already done to loss and injury, by standing still, and going to partial decay, &c.

Mr. Stewart was in favor of the amendment. Granting $500,000 would be proceeding as we have heretofore done, gradually increasing the sums appropriated. If more was given, it would possibly lead to a wasteful expenditure. The best preparation for war was, to preserve the credit of the country, and reduce its debt.

Mr. Mercer went into a recapitulation of what had been done by Government in relation to the plan of general defence. Congress had formerly thought an annual appropriation of $800,000 expedient. He thought the amount should approach that sum still as far as the state of the country and of the Treasury would allow. He referred to an attempt, once made, to reduce the standing army to two thousand men. General Washington had suggested, as an amendment to this plan, a proviso that the enemy should never invade the country with more than two thousand men. He thought a similar proviso ought now to be inserted: that no nation should declare war against the United States within twenty years; the period some gentlemen proposed for completing the defences of the country. Mr. M. adverted to the experience of the last war, and stated what had happened at Norfolk. He concluded that the interior had an equal interest with all other parts of the country in the defence of the coast, as going to render less necessary the services of the militia, &c.

Mr. Little withdrew his motion.

Mr. Tracy renewed it, and Mr. Cobb accepted it as a modification.

Mr. Condict moved to amend the motion by striking out the clause for instructing the committee, and leaving the question simply on a motion for recommitment.

Mr. Cobb objected to this amendment.

Mr. McLane opposed the recommitment, and stated that there never had been any settled rule or ratio of appropriation for fortifications determined by the practice of the House, but the sums voted had always been governed by the exigency of each year. He went into a history of the several appropriations which had been made, explained the necessity of the present appropriations, and replied to some of the objections urged against them.

Mr. Wood opposed the notion of being restricted to an annual sum for appropriations for this object. The object of expenditure was a definite one, but how much should be given in each year, must depend on circumstances. He dwelt on the distress on the coast occasioned by the approach of an enemy, and argued that this was the chief danger to which the country was exposed in war. He stated the condition of New York harbor, and reprobated the idea of abandoning the new work proposed for its defence. The motion of the gentleman from Georgia aimed at an abandonment of the system of defence altogether.

Mr. Cobb replied, and further insisted on the ground he had before taken; and he read extracts from documents to support his argument. He did not understand, and could not discover, what was the plan on which we were now proceeding. No war was impending; and he thought that Congress was not bound to adopt every magnificent scheme that should be suggested by any Department of the Government. He saw no limit to the expenditure; for he did not know where the plan stopped. Every extension of the plan of fortification, necessarily involved an increase of the Army, and a proportional augmentation of the national expenses. There was another bill on the table for arming the fortresses. If both should pass, the appropriation this year, for fortifications, would exceed $700,000. Once begun, the works must be gone on with and completed. He was not opposed to all systems of defence, but wished that Congress should have the modification of the system.

Mr. Fuller thought that the views of the gentleman from Georgia should have led to a different course. He was surprised he would attempt so small a measure as the cutting off $100,000 from an appropriation of $600,000. He contended that the system had been laid before Congress in a series of reports, and, by appropriations thereon, Congress had given it so much sanction as amounted to an adoption of it. He insisted that confidence must be reposed by the different departments of the Government in each other, and by a Congress of one period in that of another. He stated the caution with which surveys had been made; the waste and loss which would ensue from temporary erections, &c. The appropriations had been continued, by the good sense of this House, from year to year, and he hoped this would not be the period at which they were to be suspended.

Mr. McCoy went into a history of what had already been done by Congress, and referred to the useless works on Dauphin Island; the loans which became necessary from too great expenditures on these objects, and the subsequent reduction of the public expenditures, &c.; and he called for the yeas and nays on the motion of the gentleman from Georgia.

Mr. Durfee remonstrated, at some length, against the House retracting what it had yesterday deliberately done. He insisted on the wisdom of measures of defence even in an economical view, and particularly on the expediency of the measures proposed by the bill.

Mr. McDuffie declared the motion now offered to be the same which the House had yesterday rejected by a vote of nearly two to one, viz: whether the new works at New York and Rhode Island shall be commenced? He trusted, as no new argument had been adduced to-day, no new result would be obtained.

The question was then taken by yeas and nays on the motion of Mr. Cobb to recommit the bill, &c., as follows:

Yeas—Messrs. Allen of Massachusetts, Beecher, Brown, Buchanan, Buck, Buckner, Campbell of Ohio, Cary, Cobb, Cocke, Conner, Culpeper, Edwards of North Carolina, Findlay, Foot of Connecticut, Forsyth, Gatlin, Gazlay, Hall, Harris, Henry, Hooks, Johnson of Virginia, F. Johnson, Leftwich, Letcher, Long, McArthur, McCoy, McLean of Ohio, Markley Matlack, Matson, Metcalfe, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rives, Ross, Sloane, Arthur Smith, Alexander Smyth, Spaight, Standefer, Test, Thompson of Georgia, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Whittlesey, White, Wickliffe, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wright—64.

Nays—Messrs. Adams, Allison, Archer, Baylies, P. P. Barbour, Bartlett, Bartley, Bassett, Breck, Cady, Cambreleng, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Cushman, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Farrelly, Foote of New York, Fuller, Garnett, Gist, Gurley, Hamilton, Harvey, Hayden, Hayward, Herrick, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Kent, Kidder, Kremer, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Little, Livingston, Longfellow, McDuffie, McKim, McLane of Delaware, Mangum, Martindale, Mercer, Mitchell of Pennsylvania, Mitchell of Md., Moore of Alabama, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Richards, Rose, Saunders, Sandford, Scott, Sharpe, Sibley, William Smith, Spence, Sterling, A. Stevenson, J. Stephenson, Stoddard, Strong, Swan, Taliaferro, Tattnall, Thompson of Kentucky, Tod, Tomlinson, Tyson, Udree, Van Rensselaer, Van Wyck, Wayne, Webster, Whipple, Whitman, Williams of New York, Henry Wilson, Wood, and Woods—103.

The question was then put, Shall the bill pass? It passed in the affirmative.

ADJOURNMENT OF CONGRESS.

The joint resolution from the Senate fixing a time for the adjournment of Congress—15th May next—was twice read.

Mr. Ross moved to refer it to the joint committee yesterday appointed on the part of this House to determine on what business shall be taken up at the present session, and at what time the two Houses shall adjourn.

Mr. Allen opposed the commitment, remarked at some length on the evil of prolonged sessions of Congress, and adverted to the early adjournment of Congress of 1816, when a compensation was substituted for a per diem allowance, and the arduous duties which that Congress had nevertheless accomplished, &c.; and he called for the yeas and nays on the question of commitment.

Mr. Wright was opposed to an early adjournment, while important business remained undone, and objected to a decision upon the resolution whilst a joint committee, appointed to consider the subject, had not yet reported, &c.

Mr. McCoy inquired whether it was in order to subject a resolution from the other House to a committee consisting in part of members of the House which had already passed upon the resolution.

The Chair pronounced it to be in order.

The question was then taken on the commitment, and decided by yeas and nays, as follows:

Yeas—Messrs. Allison, Archer, Bartley, Beecher, Breck, Brown, Buchanan, Burleigh, Cady, Campbell of Ohio, Cary, Cassedy, Condict, Crafts, Craig, Durfee, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foote of New York, Frost, Gatlin, Gazlay, Hall, Harris, Hayden, Hayward, Hemphill, Henry, Holcombe, Jenkins, Johnson of Virginia, F. Johnson, Kidder, Kremer, Lawrence, Lincoln, Little, Livermore, Livingston, McArthur, McLean of Ohio, Markley, Martindale, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rose, Ross, Sandford, Scott, Sharpe, Sloane, Sterling, J. Stephenson, Stoddard, Strong, Swan, Test, Tod, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Wyck, Vinton, Warfield, Whittlesey, White, Williams of North Carolina, Henry Wilson, Wood, Woods, and Wright—87.

Nays—Messrs. Alexander of Virginia, Allen of Massachusetts, Baylies, P. P. Barbour, Bartlett, Bassett, Buck, Buckner, Cambreleng, Carter, Clark, Cocke, Collins, Conner, Crowninshield, Cushman, Day, Dwight, Eaton, Edwards of North Carolina, Foot of Connecticut, Fuller, Gist, Govan, Gurley, Hamilton, Harvey, Hogeboom, Hooks, Houston, Isacks, Kent, Lathrop, Lee, Leftwich, Letcher, Litchfield, Locke, Long, Longfellow, McCoy, McDuffie, McKean, McKee, McKim, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Neale, Nelson, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Rives, Saunders, Sibley, Arthur Smith, William Smith, Spaight, Spence, Standefer, A. Stevenson, Taliaferro, Tattnall, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Van Rensselaer, Webster, Whipple, Williams of Virginia, and Wilson of South Carolina—77.

So the resolution from the Senate was referred to the joint committee yesterday appointed on the motion of Mr. Taylor.

And the House adjourned.

THURSDAY, April 22.

Mr. **Fuller**, from the Committee on Naval Affairs, made a report on the petition of Benjamin King, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. **Kent**, from the Committee on the District of Columbia, reported a bill from the Senate "for enclosing the burying ground of Christ Church, Washington Parish," without amendment; which was committed to a Committee of the Whole.

Mr. **Randolph** wished to move to reject the bill; but, in this stage of the proceeding, the motion was not in order.

Mr. **Newton**, from the Committee on Commerce, reported a bill to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes; which was read twice, and committed to a Committee of the whole House on the state of the Union.

Mr. **Alexander**, of Virginia, submitted the following, which lies one day:

"*Resolved*, That the President be requested to cause to be laid before this House the proceedings of a court martial lately held at Norfolk, for the trial of Lieutenant Beverley Kennon, of the United States Navy."

The amendments made in Committee of the Whole to the bill "for correcting errors in entering lands at the land offices," were read and agreed to by the House, and the bill was ordered to be engrossed for a third reading.

ADDRESS OF NINIAN EDWARDS.

Mr. **Floyd**, from the committee to whom was referred the memorial of Ninian Edwards, vindicating himself and accusing Mr. Secretary Crawford, pursuant to instructions of the committee, communicated the following minutes of its proceedings, viz:

"The committee, to whom was referred a communication from Ninian Edwards, report the following minutes of their proceedings to the House of Representatives:

April 21, 1824.

Present, all the members of the committee.

Voted, That the committee ought to proceed to make inquiry into the matters contained in the said memorial, and connected therewith.

Voted, That, for the purpose of such inquiry, the attendance of the said Ninian Edwards upon the committee, to be by them examined, is requisite; and that his attendance be accordingly ordered.

Voted, That the chairman do inform the House of the foregoing resolutions of the committee; and inasmuch as it is suggested that the said Ninian Edwards is about to leave the United States on foreign diplomatic service—

Voted, That the chairman do move the House that information of said communication, of the votes of the House thereon, and of the foregoing resolutions of the committee, be communicated to the President of the United States."

The latter proposition having been put into the form of a motion by Mr. **Taylor**, of New York, and the question being upon agreeing thereto—

Mr. **Forsyth**, of Georgia, said, he had the honor, a day or two ago, of submitting a motion to the House on this subject, the object of which he had not an opportunity to explain, in consequence of a call for the question of consideration. The object I had in view, said Mr. F., was the same as that which the committee seem to have had in contemplation in their report of this morning. I understand this to be, to prevent any collision between the orders of the Executive branch of the Government and those of the Legislative. I understand the committee to have determined on calling Mr. Edwards before them to ascertain what he has to say upon this subject, in addition to what he has stated in his memorial. As a matter of courtesy, that being the case, it is proper for the House to give notice of the fact to the President of the United States, that the individual in question might not seek to escape, under the plea of Executive orders, from the investigation which he has himself asked of this House to institute. The object of my motion was the same with that now before the House, and it appears to me that the form of mine was more proper than the form of that which has been submitted. What interest has the President of the United States in knowing what are the votes of any committee of this House? All that is necessary for him to know is, that this House has taken up the subject for investigation. We do not ask from him any thing to enable us to exercise our rightful power in this matter, and our motives for acting are therefore of no importance to the due information of the Executive. The simple annunciation of the fact is sufficient. Under these impressions, Mr. F. moved to strike out all the above, after the word "Ordered," and insert, in lieu thereof, his motion, in the following words:

"That the President be officially informed that this House has ordered an investigation of the memorial presented to this House on the 19th instant by Ninian Edwards, lately appointed Minister to Mexico; that the said Ninian Edwards may be instructed not to leave the United States before that investigation has taken place."

Mr. **Randolph**, of Virginia, said, as the course pointed out by the committee would attain all the objects which the gentleman from Georgia had in view, he did not see why the change should be made. If the gentleman will attend to the terms of the proposition before the House, said Mr. R., he will see that there is nothing in it which, in the smallest degree, compromits the proceedings of this body; that we are acting by our own inherent power; that it is not proposed to call on the Executive Department, though a co-ordinate branch of the Government, for any ancillary aid. We are acting by our own virtue and power; but, having done so, we have thought it proper to advise the Executive branch of the Government, that he might take such order on the matter, in his own exclusive sphere, as to him may seem fit and proper. And what more can we do? I hope the amendment will not be adopted, but that we shall decide on this motion, and give to the chairman an opportunity to make a further motion, which he is authorized by the committee to make.

Mr. **TAYLOR**, of New York, said, it was true that, on a former occasion, when the gentleman from Georgia presented his motion, he (Mr. T.) did call for the question of consideration upon it. The reason why he had done so, was, that the subject had just been referred to a committee without any special instruction. The first question, it was apparent, which would present itself to that committee would be, Does the memorial contain sufficient matter to justify proceeding in the investigation of its contents? That question had not been, in any manner, decided, when the gentleman from Georgia offered his motion. It was not until last night that the committee came to the determination that it was proper that they should proceed in their inquiry. This, Mr. T. said, was necessarily a previous question to be determined. For, if the committee had been of opinion that the subject was not, for any reason, fit to be inquired into, it would not have been proper to give to the President the intimation in question. After the committee had decided the preliminary question, the next step was to require the attendance of Mr. Edwards. The House will perceive that the committee propose to apply to the Executive for no power, but to notify him of the decision requiring the attendance of Mr. Edwards, as a fit regard for that comity and respect which is due from this House to a co-ordinate branch of the Government. Mr. T. believed that the notification of both these decisions of the committee was necessary, for the purpose of apprizing the President of the reasons of this House for requiring the attendance of an individual who was known to be absent on diplomatic services, &c.

Mr. **WEBSTER**, of Massachusetts, did not see that any difficulty was presented by this question to the House. Here, said he, is a communication referred to a committee of this House, in the course of investigating which, the personal attendance of an individual, understood to have been recently despatched on a foreign service, is found to be necessary, and is required. All that the committee aim at, therefore, is to inform the Executive of so much as to show that business before us requires the personal attendance of one whom he has despatched, or is about to despatch on foreign diplomatic service. This is all that is proposed by the resolution now before the House.

Mr. **KREMER**, of Pennsylvania, rose, and observed that, before he voted on this question, he must know whether the committee can wait for the return of the person proposed to be sent for. He knew not, for his own part, where Mr. Edwards was to be found. The session was now near its close, it would be unnecessary to send for him, if, when he came, the House had adjourned, or the committee was not prepared to go on. If we do send to Wheeling, when our messenger gets there Mr. E. will be gone, and we shall be pursuing him from town to town nobody knows how long. If it was in order, he should move that the resolution lie on the table.

The motion to lay the subject on the table was decided in the negative, by a large majority.

Mr. **McLANE**, of Delaware, said, the objection he had to the matter now before the House, would apply as well to the resolution of the gentleman from Georgia, as to the recommendation of the committee. He could perceive no necessity for the further interposition of the House, and it might be improper to call for it. We have referred the memorial to a committee, said he, with what propriety it is not for me now to say, and have vested that committee with full power to send for persons and papers. We could give no greater power. Under the authority already possessed, the committee were authorized to send for this individual, without our interference, and he thought they should do so. If the public character of the individual rendered it improper to compel his attendance, without the interference of the Executive, it would be competent for the committee, without applying to this House, to request such interference. He had some experience of parliamentary proceedings, and he believed it unprecedented for a committee, vested with full powers, to call upon the House to do what might be as well done without their aid. He could easily conceive, that a subject of no great magnitude, in itself, might be clothed with much artificial importance, by such proceedings; and he saw no propriety in the committee reporting the journal of their private proceedings, from time to time, to this House. He was averse to the repeated agitation of the subject in this manner, to the prejudice of other business, by the daily or weekly report of the journal of the committee's proceedings. He desired a full and prompt investigation; the prompter the better; but he thought the committee had ample power over the subject, and he hoped the House would not be called upon to act unnecessarily in the business.

Mr. **CUTHBERT**, of Georgia, referring to the intimation, as he understood it, of the committee, that the presence of Mr. Edwards was so necessary that the investigation of the charges made by him could not go on without his presence, said he thought there could be no such indispensable necessity for the presence of Mr. Edwards here. The House would perceive, he said, that any individual, intending to do a serious mischief to another, might select a particular moment to prefer charges against another, and, by abandoning his position, preventing an investigation of his motives as well as his charges, leave an erroneous impression on the public mind. It was desirable that the accuser should be where he places his accusation; the common sense of mankind shows that the accuser ought to abide by the consequences of his accusation. But, if he flies from that responsibility, the investigation should not, therefore, be delayed. Such delay would be to furnish the individual with an opportunity of doing all the mischief he desired. Unless it could be ascertained that the individual in question could be brought to this place within a reasonable time, it was desirable, it appeared to him, that the investigation of his charges should not be delayed until he could be sent for.

Mr. **Webster** replied to the gentleman from Delaware, as to the report made from the committee. It was certainly no unusual thing for the chairman of a committee to make a motion in this House, by the instruction of the committee; and, if a portion of the minutes of the committee were coupled with it, he did not see that that would alter the case, as to the expediency or propriety of the practice. With respect to the suggestion, which had been made, that sending for Mr. Edwards would procrastinate the inquiry, the gentleman from Georgia was not to suppose that the committee was going wholly to suspend this investigation, to wait for anybody's attendance.

Mr. **McLane**, still fully impressed with the correctness of the view which he had taken of this matter, moved to recommit the report.

Mr. **Randolph** said he hoped the motion for recommitment would not prevail; and he rose for the purpose only of calling the attention of the House to a fact, that the select committee have acted by the authority and in the name of this body, and that, whether gentlemen think that Mr. Edwards ought to be brought before the committee or not, the writ is now on its way; that it will be served upon him; and that he will be brought here, whether we vote in one way or another, on this question. In case this inquiry is to be prosecuted, said Mr. R., I cannot consent to act, on that committee, except by the imperious mandate of this House, without the presence of the informer. The committee having first resolved that this inquiry should be prosecuted—that the informer should be brought before the grand jury, have reported the fact—for what? That the House, being one of the co-ordinate branches of this Government of ours, should communicate to the other co-ordinate branch, that which, in courtesy, the other branch ought to be put in possession of. What do we ask of the President? To aid us to bring this Minister before us? No; we need no authority from him. We will, in despite of any man in this land, have him before us. If, indeed, he shall have made his escape from the country, we cannot follow him to Mexico; but, any where short of the Balize, the warrant of this House is as high authority as any known in this land, and, as such, I trust it will be supported. If I had thought that, in the act of that committee, the privileges of this House, the privileges of the American people in their Representatives, had been compromitted, no consideration that man can name, would have induced me to give it my sanction. It was at my motion that the order was passed to bring the accuser before us. I hope the House will proceed as proposed. The committee have maintained the authority of this House, which I never will surrender, and have, in their report, acted to the Executive with that comity and urbanity which, when it shall cease to prevail between the co-ordinate branches of any Government like ours, must throw every thing into confusion.

Mr. **Cook**, of Illinois, said it had been, and should be, his course, pending this subject, to abstain from saying any thing in relation to the merits of it, and to abstain from exhibiting any thing like feeling in relation to it. In his opinion, the course which the committee had pursued, on this occasion, was a proper one. The Executive had probably given its orders to this individual, and his actual position might not be so well known to any one as to the Executive. Mr. C. thought it was probable that, before any process could reach him, he would have left Illinois, and might have reached New Orleans, and the information communicated to the Executive might be effectual to answer the end of the process of this House reaching him. Mr. C. concluded by repeating that he would not trust his feelings on this occasion, for he wished to suppress them, so far as to speak on the merits of this controversy, &c.

Mr. **Forsyth** asked if he had understood the gentleman from Illinois rightly, when he informed the House that this person was now on his way to New Orleans, and about to pass thence from the United States?

Mr. **Cook** said that he had so stated, presuming it to be the fact.

Mr. **Forsyth** said it was only what he suspected. The Parthian throws behind him his poisoned arrows as he retreats, and then flies beyond the reach of pursuit. But, Mr. F. said, he could not fortunately leave the United States before the process of the committee could reach him. The vessel which was to have the honor to bear him out, had not yet left the navy yard at this place, and, as he would scarcely venture to sail without the protection of the guns of the nation, he could yet be overtaken.

Mr. **Cook** said that, when up before, he had intended to suggest, that the vessel which was destined to carry Mr. Edwards to Mexico, was yet at this place; that by this vessel, information could be given to him of his presence being desired here; and that the only, at least most probable way, in which the process of this House could reach him, and he could be recalled for the purposes of this House, would be by means of this vessel.

Mr. **Floyd** said that the committee had thought it necessary that this individual should be present during the examination of his charges. They were perfectly aware that the authority with which they were invested by the House, was sufficient for all the purposes of bringing him here, and, in the course which they had pursued, had no object but to give the President of the United States, in a respectful manner, information of the course which it had been thought proper, by the committee, to pursue; and he hoped the opposition to it would be withdrawn.

Mr. **McLane** said he was not anxious to embarrass the proceedings by the motion which he had made, under the conviction, in his own mind, that the President ought not to be called upon to do what the House has the perfect power to do. He was anxious for this investigation to go on. He thought, with the gentleman from Virginia, that the informer on this occasion ought to be present; but he thought, also, that the whole matter was already within the power of the committee. To save trouble to the House, however, he would withdraw his motion for recommitment.

Mr. **MALLARY**, of Vermont, said the House had given the committee all the powers which it possesses in relation to this matter. The question is now, whether it is necessary to call upon the House to aid the committee to carry its powers into execution. The committee have all the powers of this House on the subject, and have certainly the same power to communicate the fact of their proceedings to the President, that this House has, and on the same principle on which they would have power to ask information from him.

Mr. **FORSYTH** said that he had not offered his first motion on this subject (that which the House refused to consider) before this House had referred the inquiry into the subject to a committee, with power to send for persons and papers. It appeared to him, he said, at the time he made the motion, that such a proceeding was absolutely due, in courtesy to the Executive. Perhaps, he said, he had some little feeling on this subject, arising from the difference of the manner in which his proposition, and the nearly similar one of another gentleman, had been received. He saw no necessity, however, for pressing his amendment, though he could not see any occasion for all this particularity on the subject. In deference, therefore, to the wishes of several of his friends, whose opinions he always respected, he withdrew his motion for amendment.

The question recurring on the report of the Committee—

Mr. **FULLER**, of Massachusetts, said, he was rather sorry that the gentleman from Georgia had withdrawn his motion, because it was perfectly free from any ambiguity, which the proposition of the committee was not. If the amendment had prevailed, however, he could not have voted for this reason: He was one of those who hoped, the other day, that the motion for printing the memorial would have prevailed, and that he should thus have been enabled to judge of the necessity of the presence of the accuser. At present, he said, he did not feel himself competent to decide whether his presence was necessary or not. He, for one, moreover, was not willing to notify the President that the committee thought the interposition of the authority of the House necessary, because the committee are themselves competent to do it, and, if they think proper, it is their duty to do it. There was another consideration on this subject, which Mr. F. thought must occur to the mind of every one. Is it possible, is it probable, at any rate, that Congress will remain in session for two months to have the presence of this gentleman? It would take a month to give notice to this individual, another month to get him here, and after he got here, the investigation of the case by the committee would not occupy less than two or three weeks. A full investigation of this case, Mr. F. hoped, would take place at the next session. Under the present circumstances, he saw no occasion for giving information to the President of the opinion of the committee.*

Mr. **BARTLETT**, of New Hampshire, said, he was desirous of understanding rightly what was the object of the motion before the House. If he had a correct view of it, some other gentlemen who had spoken had not. It had been suggested, that there was not time to send for this person, and that the House ought not to give this notice to the Executive, because by so doing it would commit itself. Those questions, said Mr. B., are not now before the House. The House has confided the question to a select committee; that committee has decided it, and it is a question no longer to be discussed. I do not understand the resolution as it is understood by one gentleman, as being intended to give facility to the execution of the power which the committee have undertaken to exercise, but as intending this, and nothing more: that this person, whom the committee have sent for, who, they have said, shall come here, and who, I have no doubt, will come here, is a person whom the President, with the consent of the Senate, has ordered on service to a foreign Government. Some time ago, we gave to the President power to appoint Ministers to certain Governments, whenever he should think it expedient to do so. We have, by the act of our committee, temporarily revoked that power so far as he has exercised it in this particular instance. He has said, that Ninian Edwards shall be Minister to Mexico; we have said, that he shall not go. If the United States have great interests at stake in Mexico, and it is necessary we should have a Minister there, it is proper that we should inform the President that the person whom he has appointed for that purpose we have recalled. If the President sent him, and we, in the plenitude of our power, ordered him back, is it not necessary that the President should be informed of the fact? It had been suggested, that the committee has the power to communicate this information to the President. My opinion, said Mr. B., is, that they have not. They have not the power to communicate directly with the President on the subject, but they have the power to give information on the subject to this House, of which they are the organ, and, the information being so

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*WASHINGTON, 23*d April*, 1824.

Messrs. Gales & Seaton: You will oblige me by correcting an error in reporting, in your paper of this morning, the remarks made by me, respecting the investigation of the charges in Mr. Edwards's memorial. In stating the impropriety of protracting the session of Congress for several months, to examine Mr. E. personally, I observed, "that the committee ought immediately to proceed in the investigation; and that, if his presence should be found to be necessary, I hoped the examination, as far as he was concerned, would be made at the next session."

I by no means intended to express the opinion that the investigation ought to be deferred, being clearly of the opinion, that no time or means, within the power of the committee, ought to be neglected.

I am, respectfully, your obedient servant,

TIMOTHY FULLER.

given, the question now is, whether it be proper to give it to the Executive. If the appointment of a Minister was necessary, it continues to be so. If it was necessary a month ago, no change of circumstances having occurred, the interest of the country now equally demands that a Minister proceed directly to Mexico; in which case it might be necessary for the President, on receiving this information, to designate some other person for this station, &c.

Mr. **Buck**, of Vermont, made a few observations, the import of which were, that it was not material whether this information were given to the Executive by the committee, or by a vote of this House—so that whether the present proposition was agreed to or not, appeared to him to be of little importance.

The question was then taken on the report of the committee, as above stated, and it was agreed to, almost without a dissenting voice.

Mr. **Floyd** then moved that the Clerk of this House be directed to adopt measures to expedite the printing of the report of the Secretary of the Treasury, upon which the said communication is founded, and that the said communication, with its accompanying documents, be printed; which was agreed to.

ORDERS OF THE DAY.

Mr. **Forward** postponed his motion to take up the bill "laying duties on sales at auction" till Monday next.

The House then went into Committee of the Whole, (Mr. **Campbell**, of Ohio, in the Chair,) on the following bills, viz: "A bill granting to the Territory of Arkansas the right of pre-emption to certain quarter sections of land;" "A bill changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the State of Mississippi and Territory of Arkansas;" and "A bill granting to the counties of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land for seats of justice within the same."

Considerable discussion took place on amendments to these bills, in which Messrs. **Moore**, of Alabama, **Wickliffe**, **Owen**, **Whipple**, **Letcher**, **McCoy**, and **Rankin**, took part.

Finally, the bills were ordered to a third reading.

The House then went into Committee of the Whole, (Mr. **Condict** in the Chair,) on the report of the Committee of Pensions and Revolutionary Claims, unfavorable to the petition of Richard G. Morris.

Mr. **Bassett**, of Virginia, moved to reverse the resolution reported by the committee, by striking out the word "not."

The report was read.

Mr. **Taylor**, of New York, suggested the inexpediency of farther proceeding in the consideration of this affair.

Mr. **Bassett** pronounced the whole report to be deceptive—the case had never been thoroughly or fairly examined.

Mr. **Taylor** explained.

Mr. **Bassett** resumed, and went at length into the illustration and defence of the claim of the petitioner, referring occasionally to documents in support of his statements.

Mr. **Little**, chairman of the Committee on Pensions and Revolutionary Claims, spoke in reply.

Messrs. **P. P. Barbour** and **Wright** advocated, and Messrs. **Whittlesey**, **Little**, and **McCoy**, opposed the amendment; and the question being taken, it was negatived by a large majority.

The Committee then rose, and reported their agreement to the original report—

And the House adjourned.

Friday, April 23.

Mr. **Williams**, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Colonel William Duane," reported the same without amendment; and it was committed to a Committee of the Whole.

Mr. **Webster**, from the Committee on the Judiciary, to which was recommitted the bill to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes, reported the same without amendment; and it was ordered to be engrossed, and read a third time to-morrow.

The resolution yesterday offered by Mr. **Alexander**, in relation to Lieutenant Kennon's case, was taken up, and agreed to.

On motion of Mr. **Hayward**, the Committee on the Public Buildings were instructed to inquire into the expediency of purchasing three of Capellano's marble busts of Washington, to be placed in the public buildings, under the direction of the said committee.

Engrossed bills of the following titles, viz:

An act supplementary to an act approved on the 3d of March, 1819, entitled "An act providing for the correction of errors in making entries of land at the land offices;"

An act changing the mode of surveying the public lands on any river, lake, bayou, or water-course, in the State of Mississippi, and Territory of Arkansas;

An act granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same; were, respectively, read the third time, and passed.

A Message was received from the **President of the United States**, as follows:

To the House of Representatives of the United States:

In conformity with a resolution of the House of Representatives, of yesterday, I have received a copy of the proceedings of the committee to whom was referred a communication from Ninian Edwards, lately appointed a Minister Plenipotentiary to Mexico, in which it is decided that his attendance in this city, for the purpose of being examined by the committee, on matters contained in the said communication, was requisite. As soon as I was apprized that such a communication had been made to the House, anticipating that the attendance of Mr. Edwards might be desired, for the purpose stated, I thought it proper that he should be informed thereof, and instructed him not to proceed on his mission, but to await such call as might be made on him, either by the House, or its committee; and, in consequence, a letter was addressed to him to that effect, by the Secretary of State.

JAMES MONROE.

APRIL 23, 1824.

The Message was read, and laid on the table.

On motion of Mr. LEFTWICH, the House went into Committee of the Whole, (Mr. BRENT in the Chair,) on the bill "for the relief of Mary James." The report of the Committee of Claims on the case having been read, the bill was reported to the House without amendment, and ordered to a third reading.

On motion of Mr. BUCHANAN, the House went into Committee of the Whole, (Mr. STERLING in the Chair,) on the bill "to alter the judicial districts of Pennsylvania." The blanks in the bill were filled, and it was reported, and ordered to a third reading.

On motion of Mr. NEWTON, the House went into Committee of the Whole, (Mr. LATHROP in the Chair,) on the bill "for the relief of Isaac Collier and others;" and on the bill "allowing bounties to persons employed in the cod fisheries, in certain cases;" which bills were reported without amendment, and ordered to a third reading.

An engrossed bill, entitled "An act to authorize masters of vessels, in certain cases, to clear out at the custom-house of Petersburg, or that of Richmond;" was read the third time, and passed.

PRE-EMPTIONS—PUBLIC LANDS.

Mr. WHIPPLE, from the Committee on Public Lands, who were instructed by resolutions passed by the House, on the 31st December, 1823, the 2d and 23d of January last, to inquire into the expediency of granting pre-emption rights in the purchase of public lands, in certain cases, and to whom was referred the petition of Hardy Doyal and George Caperton, and the petition of L. C. Davis, made a report thereon; which was laid on the table.

The report is as follows:

Before adverting to the particular cases embraced by the resolutions and petitions referred, the committee deem it proper to make some general observations on the subject of pre-emption grants, as connected with the general policy of the Government in relation to the public lands.

By reference to the various laws on the subject of pre-emptions, it will be perceived that, where the United States have acquired territory where settlements existed at the time of the acquisition, the persons having made such settlements have been permitted by the Government to retain their lands by paying therefor the minimum price, subject to a reasonable limitation as to the quantity to be retained.

In cases where territory has been acquired from foreign Powers by treaty, this privilege has been extended to the period in which the United States took the actual possession of the ceded territory. Some modifications of these principles have, at times, and under particular circumstances, existed, but the main principle has been generally adhered to.

The committee are of opinion that an extension of these principles would be injurious to the Government, as well as to those who may hereafter become the purchasers of the public lands, and probably to those, also, who may venture to settle upon Government lands without authority hereafter.

It cannot be perceived by what principle persons having no color of title should, after lands on which they have settled were known to belong to the United States at the time of making such settlement, claim the pre-emption right to such lands.

Should the Government sanction applications of this nature, an inducement would be offered to persons of an enterprising disposition to anticipate, in every quarter, the Government in its sales of the public lands, and to settle upon and improve the most valuable tracts of land, which they would claim at the minimum price, whenever such lands were brought into market by authority of the United States.

Purchasers of land finding themselves prevented from acquiring good lands, would abstain from purchases, and resort to illegal settlements, in the hope of obtaining that at the minimum value, which they could not obtain at fair and open sale.

Thus, a competition would be excited among a certain description of our population, to locate themselves upon the public lands without much regard to lines or boundaries, and with very little respect for the rights either of the Government or their Indian neighbors.

When it might become necessary for the Government to offer for sale the tracts on which these settlements had been made, the persons interested would find arguments at hand, in their poverty and distress, and the situation of their families, to show why they should be permitted to retain their homes and their improvements.

Abuses like these would necessarily attract the attention of the Government, and induce Congress to adopt rigorous measures to repress them, by which many who had thus precipitately made unauthorized settlements would be deprived of their labor and again be compelled to begin anew, thus losing the labor of years.

A system of indulgence to those who trespass by making unauthorized settlements upon the lands of the United States, after those lands are known to be the property of the Government, would, in the opinion of the committee, be productive of much perplexity to the Government as well as of injury to those concerned in the purchase and settlement of the national domain.

The committee will now proceed to consider the several resolutions and petitions referred to them, which relate either to pre-emption rights or to indulgences prayed for by those who have made unauthorized settlements upon the public lands.

By the resolution of December 31st, 1823, the committee are "instructed to inquire into the justice and expediency of granting to actual settlers in that part of the State of Louisiana, lying east of the Mississippi and island of New Orleans, a right of pre-emption to public lands, in the same manner, and for the same period of time after possession thereof by the Government of the United States, as was granted to such settlers in the late Territory of Orleans, after possession thereof as aforesaid."

It will be perceived, by reference to the act of Congress of April 12th, 1814, that pre-emption rights were granted to actual settlers in that part of the State of Louisiana west of the river Mississippi, up to the date of said act, that is, to the 12th April, 1814.

The United States took possession of this portion of the State of Louisiana on the 10th of December, 1803, consequently, settlers for a period of eleven years after the possession of the territory of Orleans by the United States, had the right of pre-emption of the lands on which they had settled secured to them.

In that portion of the State of Louisiana which lies east of the river Mississippi and Island of New Orleans, a different rule was adopted.

The Government did not get possession of this portion of the ceded territory until the Autumn of 1810; prior to which time it was under the Government of Spain, consequently, settlers in this portion of the territory had the right of pre-emption secured to them by the act of 1814, only for a period of four years after the possession by the United States.

The resolution, therefore, contemplates extending to all who had made settlements on the public lands of the United States, in the portion of the State of Louisiana east of the river Mississippi, up to the year 1821, the right of pre-emption of the land on which they have settled.

The committee deem it inexpedient to extend the right of pre-emption in this manner.

The act of the 12th April, 1814, extended equally to all portions of the State of Louisiana, and if any inequality existed in the situation of the people of different sections of the State, this circumstance ought not of itself to be made ground of claim upon the Government. Those who reside east of the river Mississippi and Island of New Orleans, had, by that law, the right of retaining their lands at the minimum value, although they had settled on them without leave of the Government, four years after the lands were, by solemn transfer and formal possession, known to be the property of the United States: the Government has, therefore, treated these settlers with great lenity and indulgence; and if some of their neighbors have, by the peculiarity of their situations, derived greater benefits from the act of April 12th, 1814, the committee cannot, on this account, be induced to deem it proper to sanction the principle that persons ought to be encouraged to settle upon the public lands for ten or eleven years after they are known to be the property of the United States. It may, however, be doubted, whether the act of 1814 has not operated nearly equally upon the settlers on the public lands within the State of Louisiana. It was well known by the people, that the whole territory acquired by the treaty ceding Louisiana to the United States, would ultimately fall under their Government, and there can be little doubt that many settlements were made within the territory in anticipation of this event, hence, the time of taking possession of different portions of that tract of country, could produce very little inequality with respect to those who had pre-emption rights granted them by the act of the 12th April, 1814.

By the resolution of January 2d, 1824, the committee are instructed "to inquire into the expediency of granting the right of pre-emption to all persons to mill seats on public lands, where the same may have been actually improved as such by them."

It will be readily perceived that, if the Government should sanction a principle of this kind, these valuable appendages to the public lands would be universally taken up and occupied to the great injury of the Government, and with no advantage to those who may wish to purchase public lands, except to the favored individual.

The committee are therefore of opinion, that it would be injudicious and that it is inexpedient to adopt such a provision.

By a resolution of the same date, the committee are instructed "to inquire into the expediency of granting to actual settlers prior to the 1st of July, 1820, in the State of Alabama, the right of purchasing, by pre-emption of at least one quarter section of land, embracing their family residences."

The committee refer to the general observations in the commencement of this report, and again repeat that they can see no sound reason for permitting persons who have knowingly made unauthorized settlements on the public lands, to have and enjoy peculiar privileges and indulgences; they are therefore of opinion that the adoption of such a measure would be impolitic and inexpedient.

By a resolution of January 23d, 1824, the committee are instructed "to inquire into the expediency of reviving the law of the 25th March, 1816, relating to the settlers on the lands of the United States."

This act, as will be seen by reference to it, provides that persons settled on the public lands of the United States, may, upon application to a register, recorder, or marshal, or to such person as either of them may appoint, be permitted to remain on such lands, provided the applicant shall sign a declaration, purporting that he or she has no claim to the lands on which he or she may be located. Books are to be kept and a registry of the applications and permissions is to be made, and such forms prescribed as the Secretary of the Treasury, with the approbation of the President of the United States may direct. The persons availing themselves of the provisions of this act are to be considered as tenants at will, and to obligate themselves not to commit waste, and to yield quiet possession when the lands shall be sold by the Government.

The committee can see no good reason for renewing this law, which has been continued in force until the 3d March, 1819, a period of three years.

Those who had located themselves on the public lands prior to, and until the 3d of March, 1819, have had opportunity to avail themselves of the benefits of this act, and those who have since that time made unauthorized settlements on the vacant lands of the United States can have no just ground of complaint, if left to the ordinary operation of the laws relating to such persons.

To revive the law of 1816, would be to hold out inducements to settle on the public lands, under the expectation, that until such lands were sold, the persons making settlements would be permitted to cultivate and improve them for their own profit and benefit. Were the Government to grant these facilities, it is easy to perceive that no regard whatever would be paid to the regulations of the laws forbidding unauthorized settlements upon the public lands.

The experience of the Government would lead us to conclude, that the final request of these settlers would be for pre-emption rights, or at least to be permitted to retain their crops. But the committee trust that enough has been said to show the indefensible nature of this proposition; they will therefore dismiss it.

The petition of Lewis C. Davis was referred to the committee on the 26th January, 1824. He states that he purchased a quarter section of land in the State of Alabama, for which he gave fourteen dollars per acre, that he is unable to pay for it and was compelled to relinquish it, and prays to be permitted to re-enter the land at the pre-emption price. There appears to be nothing in this case to entitle the petitioner to particular favor, and the committee see no cause why he should not be subjected to the operation of the laws and regulations of the Government relative to such cases.

The petition of Hardy Doyal and George Caperton, of Alabama, referred to the committee on the 27th January, 1824, states that the petitioners have erected a gristmill on the public lands and cleared a farm adjoining it; that they have expended their whole property in the enterprise; they therefore pray to be permitted to take a certain quantity of land including their mill at the pre-emption value, and that the Government should grant them a credit of six months from the issuing of the patent.

The committee deem it unnecessary to enter into detailed reasoning to show the inadmissibility of this proposition. It is sufficient to remark, that it is in direct contravention of the policy which it is believed the Government ought to pursue, for the purpose of putting a stop to unauthorized settlements on the public lands.

PENELOPE DENNEY.

On motion of Mr. Cambreleng, the House went into Committee of the Whole, (Mr. Condict in the Chair,) on the bill "for the relief of Penelope Denney." Several documents were read. The question being still pending from a former sitting, in January, to amend the bill, by providing the support of Mrs. Denney from the Navy Pension Fund, instead of the Treasury of the United States, a debate arose, in which Messrs. Cambreleng, Fuller, Wood of New York, Warfield, and Buchanan, took part.

Mr. Buchanan moved to strike out the enacting clause—and the debate was then farther continued by Mr. Fuller, Mr. Buchanan, Mr. Cambreleng, Mr. Livingston, Mr. Warfield, and Mr. Sharpe.

In this debate, the merits of Denney were not disputed, nor the wants of his mother, but it was objected to the bill that it introduced a new principle in the pension laws of the United States, by providing for *parents;* the present laws only making provision for widows and children; and it was further argued that, if given at all, the pension should come out of the Treasury of the United States, and not out of the Navy Pension Fund. That fund, consisting of contributions of prize money, was, at its creation, pledged to a class of persons to which cases of this kind did not belong, and it would be a breach of public faith to touch it.

The question was then taken on striking out the enacting clause, and decided in the negative—ayes 58, noes 63.

The question then recurring on striking out the clause of the bill which provides to pay the pension "out of any moneys in the Treasury of the United States," and inserting, in its place, "the Navy Pension Fund," the debate was resumed by Messrs. Breck, Cambreleng, Fuller, Hamilton, and Buchanan; and the question being taken, it was decided in the affirmative—ayes 89, noes 58.

The bill was then reported to the House; the amendment was agreed to, and the question being on ordering it to a third reading, Mr. Breck called for the yeas and nays.

Mr. Metcalfe then moved to lay the bill on the table, which was negatived—ayes, 50 noes 83.

The yeas and nays, on ordering the bill to a third reading, were then taken, as follows: Yeas 62, nays 98.

Yeas—Messrs. Adams, Archer, Brent, Cady, Cambreleng, Carter, Cary, Collins, Condict, Conner, Cook, Crafts, Craig, Culpeper, Cushman, Dwight, Ellis, Foot of Connecticut, Foote of New York, Garnett, Gurley, Hamilton, Harris, Hayward, Hemphill, Herrick, Herkimer, Hogeboom, Houston, F. Johnson, Kidder, Kremer, Litchfield, Livingston, Locke, Longfellow, McDuffie, McLane of Delaware, Mallary, Marvin, Miller, Mitchell of Maryland, Moore of Kentucky, Morgan, Nelson, Plumer of Pennsylvania, Richards, Rives, Saunders, Sandford, Sharpe, Spence, James Stephenson, Strong, Taylor, Test, Thompson of Kentucky, Tyson, Van Rensselaer, Van Wyck, Wood, and Woods.

Nays—Messrs. Abbot, Alexander of Virginia, Allison, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Beecher, Breck, Buchanan, Buck, Buckner, Burleigh, Burton, Campbell of Ohio, Cobb, Cocke, Crowninshield, Cuthbert, Day, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Findlay, Floyd, Fuller, Garrison, Gazlay, Gist, Hall, Harvey, Hayden, Henry, Hobart, Hooks, Isacks, Jenkins, Johnson of Virginia, Kent, Lathrop, Leftwich, Letcher, Lincoln, Little, Livermore, Long, McArthur, McCoy, McKean, McKee, McKim, McLean of Ohio, Markley, Martindale, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Neale, Newton, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Prince, Rankin, Reed, Ross, Scott, Sibley, Sloane, Arthur Smith, William Smith, Spaight, Standefer, Sterling, Stoddard, Taliaferro, Tattnall, Tod, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Whipple, Whitman, Whittlesey, White, Williams of New York, Williams of Virginia, Williams of North Carolina, Henry Wilson, and Wright.

So, the bill was rejected.

ALVIN BRONSON.

On motion of Mr. Tracy, the House went into Committee of the Whole, (Mr. Foot, of Connecticut in the Chair,) on the bill "for the relief of Alvin Bronson."

The memorial of the petitioner, and report of the Committee of Claims, were read.

Mr. Williams, of North Carolina, stated his objection to the claim, and called for the reading of an opinion of Chief Justice McKean, of Pennsylvania, on a similar case.

Mr. Whittlesey contended that that case was not analogous, and went into a recapitulation of the circumstances.

Mr. McCoy declared that, by recent testimony, his view of the case was now changed, and he advocated the claim.

The bill was then reported, without amendment, and ordered to a third reading.

Saturday, April 24.

Mr. Hemphill, from the Committee on Roads and Canals, to which was committed the bill from the Senate, entitled "An act for the relief of Ichabod Lord Skinner," reported the same without amendment; and it was committed to a Committee of the Whole.

Mr. Gazlay offered the following:

Resolved, That the President of the United States do cause to be executed the act of the Congress of the United States, passed on the 3d of March, 1803, as far as the same relates to a township of land situated in the tract of land patented to John Cleves Symmes, and reserved for schools.

The House refused to consider the resolution.

Mr. Allen gave notice that, on Monday next, he should call up the joint resolution, offered by him some time since, on the subject of the adjournment of this House.

An engrossed bill "to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;"

An engrossed bill "for the relief of Mary James;"

An engrossed bill "to alter the Judicial Districts of Pennsylvania, and for other purposes;"

An engrossed bill "for the relief of Isaac Collier and others;"

An engrossed bill "for the relief of Alvin Bronson;"

An engrossed bill "to allow bounties to persons engaged in the cod fishery, in certain cases," were, respectively, read a third time, passed, and sent to the Senate.

ADJOURNMENT OF CONGRESS.

Mr. Taylor, from the joint committee appointed to report what business required the attention of Congress during the present session, and at what time Congress shall adjourn, made a report in part with respect to the business to be taken up, which is divided into classes, and reported the following resolution:

Resolved, That all the legislative business before the Senate; the bills before the House of Representatives, mentioned in schedule No. 1, 2, 3, 4; and so many of those mentioned in schedule No. 5, as time shall permit,—be acted upon at the present session. That precedence be given to private claims, examined and sanctioned by the committees to which they were respectively referred, and to bills of a public nature which it is believed will not require protracted discussion. And that those which are embraced in schedule No. 5, which shall not be decided upon before the rising of Congress, be preferred in the orders of the day, at the commencement of the next session of Congress.

Mr. Taylor explained the arrangement which the committee had made, and the resolution was adopted.

DAILY RECESS, &c.

Mr. Taylor, from the same committee, reported the following resolution:

Resolved, That, after this day, until otherwise ordered, the House will daily take a recess, from two o'clock until four o'clock, in the afternoon.

Mr. Campbell spoke in opposition to the resolution. There would be a difficulty in procuring a quorum. The evening session must be short. He was utterly opposed to nocturnal sessions, &c.

Mr. Taylor replied, and insisted that the measure proposed was the best mode of avoiding the necessity of nocturnal sessions. It would obviate the necessity of prolonging the session,

At the suggestion of Mr. Webster, the motion was modified, so as to propose a recess from two o'clock until four, and the hour of meeting in the morning to be ten o'clock.

Mr. Dwight inquired whether, if this resolution should be adopted, it is probable the committee would concur in the date of adjournment resolved upon by the Senate?

Mr. Taylor replied, and explained.

Some conversation took place between Messrs. Stewart, Wright, Little, Taylor, McCoy, Kremer, and Stewart.

Mr. Tattnall wished to inquire of the chairman of the committee whether they included in the calculation they had made, in reference to a time of adjournment, the investigation of a late document submitted to the House by Ninian Edwards. He thought the House bound, having ordered that investigation, not to adjourn till it was fully gone through.

Mr. Taylor replied, and repeated the explanation he had already given.

Mr. Williams, of North Carolina, moved to lay the resolution on the table. The question being taken, it was decided in the negative—ayes 52, noes 91.

The resolution was then adopted, and the arrangement of the orders of the day was ordered to be printed.

Mr. Allen moved that the joint committee be discharged from the consideration of the joint resolution from the Senate, on the subject of adjournment.

The House refused to consider the motion.

ORDERS OF THE DAY.

The House then went into Committee of the Whole on the bill "for the relief of David Giffin and Samuel Hoag." The report of the Committee of Claims in the case was read. The bill was then reported without amendment, and ordered to be engrossed for a third reading.

On motion of Mr. Test, the House went into Committee of the Whole on the bill "for the relief of the representatives of Joseph Mims, deceased." The report of the Committee of Claims was read; and the bill being reported, was ordered to a third reading.

On motion of Mr. Ross, the House went into Committee of the Whole, (Mr. Condict in the Chair,) on the bill "for the relief of the assignees and legal representatives of John H. Piatt, deceased." The report of the committee was read. The bill was reported, without amendment, and ordered to a third reading.

On motion of Mr. **RICHARDS**, of New York, the House went into Committee of the Whole, (Mr. **LATHROP** in the Chair,) on the bill "for the relief of George B. R. Gove." The report of the Committee of Ways and Means was read; and the bill was reported, and ordered to a third reading.

The House went into a Committee of the Whole, (Mr. **SHARPE** in the Chair,) on the bill "for the relief of Joseph Wheaton." The report of the Committee of Claims, on his case, was read. The bill was reported, and ordered to a third reading.

On motion of Mr. **FULLER**, the House went into Committee of the Whole, (Mr. **COBB** in the Chair,) on the bill "for the relief of William Blagrove." The report of the Committee on Naval Affairs, in this case, was read. The bill was reported, and ordered to a third reading.

On motion of Mr. **VANCE**, of Ohio, the House went into Committee of the Whole, (Mr. **STERLING** in the Chair,) on the bill for the relief of "John Thomas." The report of the Committee of Military Affairs, relating to this case, was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. **McLANE**, of Delaware, the House went into Committee of the Whole, (Mr. **CONDICT** in the Chair,) on the bill "for the relief of certain persons who have paid duties on certain goods imported into Castine." The report of the Committee of Ways and Means, in this case, was read.

Mr. **COCKE** spoke in opposition to the petition of the persons concerned in this bill, and called for the reading of further documents.

Some conversation then arose between Messrs. **COCKE**, **McLANE**, **McCOY**, **FOOT** of Connecticut, **P. P. BARBOUR**, and **WEBSTER**; after which the Committee rose, and reported the bill without amendment; and it was ordered to a third reading a week from this day.

On motion of Mr. **HAYWARD**, the House went into Committee of the Whole, (Mr. **COCKE** in the Chair,) on the bill "for the relief of William N. Earle." The memorial of the petitioner was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. **REED**, the House went into Committee of the Whole, (Mr. **LATHROP** in the Chair,) on the bill "releasing the owners of the ship General Jackson from the payment of certain duties." The report of the Committee of Ways and Means on the case was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. **HAMILTON**, the House went into Committee of the Whole, (Mr. **CONDICT** in the Chair,) on the bill "for the relief of the corporation of St. Ann's church, Detroit, and for the extension of Larned street." The report of the Committee on Military Affairs, in relation to this case, was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. **McLANE**, the House went into a Committee of the Whole, (Mr. **HERRICK** in the Chair,) on the bill "authorizing the issuing of debentures to Bernard Thooft." The bill was reported to the House, and ordered to a third reading.

The House then went into Committee of the Whole, (Mr. **FOOT**, of Connecticut, in the Chair,) on the bill "for the relief of Arthur H. Henley," which was reported, and ordered to a third reading.

DONNELSON, HURD, AND OTHERS.

The House then went into Committee of the Whole, (Mr. **SHARPE** in the Chair,) on the bill "for the relief of John Donnelson, Stephen Hurd, and others." Mr. **RANKIN** stated, at length, the circumstances of this case, and advocated the claim of the persons named in the bill.

Mr. **COCKE** opposed the claim.

Mr. **CAMPBELL**, of Ohio, called for the reading of a former report on the case, and opposed, at considerable length, the passage of the bill.

Messrs. **THOMPSON** of Georgia, **ISACKS** of Tennessee, and **RANKIN** of Mississippi, at great length advocated the bill, going into a recapitulation of the whole transactions between the United States and the State of Georgia, in relation to the Yazoo claims, &c.

Mr. **COBB** moved to amend the bill by inserting the name of Thomas Carr among those for whose relief it was drawn. This motion was supported by the mover, but was not agreed to by the Committee.

The bill was then reported to the House without amendment, and, without taking the question on its third reading, the House adjourned till Monday next.

MONDAY, April 26.

Mr. **NEALE** presented a memorial of sundry inhabitants of the county of Alexandria, in the District of Columbia, praying that they may be restored to their parent, the State of Virginia.—Referred to the Committee for the District of Columbia.

Mr. **HAMILTON**, from the Committee on Military Affairs, reported a bill to authorize the President to exchange five arpens of land on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. **HAMILTON**, from the same committee, who were instructed to inquire into the expediency of removing the obstructions in the river Iberville, placed in it by order of the Commanding General, during the late war, made a report; which was read, and laid upon the table.

Mr. **HEMPHILL**, from the Committee on Roads and Canals, to whom the subject was referred, reported a bill to authorize the surveying and making a road from Detroit to Chicago; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. **McLANE**, of Delaware, the Committee on Military Affairs were instructed to inquire into the expediency of authorizing the purchase of an additional quantity of land, for the enlargement of the site of Fort Washington, and for completing the title in the United States to a part of that on which the said fort is now erected.

On motion of Mr. Livingston, the Committee on Private Land Claims were directed to report whether the claim of Dussuau de la Croix to certain lots in the town of Mobile, ought not to be confirmed.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act explanatory of an act, confirming claims to lots in the town of Mobile;" and "An act supplementary to 'An act to incorporate a company for making certain turnpike roads in the District of Columbia;" in which bills the Senate ask the concurrence of this House.

The said bills were read twice, and referred; that "explanatory of an act confirming claims to lots in the town of Mobile," to the Committee on Public Lands; and that "supplementary to an act to incorporate a company for making certain turnpike roads in the District of Columbia," to the Committee for the District of Columbia.

The engrossed bill "for the relief of David Giffin and Joseph Hoag;" an engrossed bill "for the relief of the representatives of Joseph Mims, deceased;" an engrossed bill "for the relief of George B. R. Gove," were severally read a third time, passed, and sent to the Senate for concurrence.

An engrossed bill "for the relief of William Blagrove" was read a third time. Mr. Kremer opposed the passage of the bill; and it was advocated by Mr. Harvey and Mr. Fuller. Mr. Kremer then moved to lay the bill on the table. The motion was negatived, ayes 26, noes 79; and after some further conversation, the bill was passed, and sent to the Senate for concurrence.

The engrossed bill "for the relief of John Thomas & Co.;" an engrossed bill "for the relief of William N. Earle," were read a third time, passed, and sent to the Senate for concurrence.

An engrossed bill "for the relief of Jos. Wheaton," being read a third time, Mr. Cocke asked for information, and spoke against the passage of the bill.

Mr. Williams, of North Carolina, called for the reading of a letter from the Comptroller of the Treasury on the subject, which was read, and the bill was passed, and sent to the Senate for concurrence.

An engrossed bill "for the relief of the corporation of the church of St. Anne, and to authorize thr extension of Larned street, in the town of Detroit;" an engrossed bill "authorizing the release of certain debentures to Bernard Thooft," were read a third time, passed, and sent to the Senate for concurrence.

JOHN H. PIATT.

An engrossed bill "for the relief of the executors and legal representatives of John H. Piatt," having been read a third time, Mr. Forsyth moved that the further consideration of the bill be postponed until the second Monday in December next.

Mr. Ross spoke in opposition to this motion, and in favor of the passage of the bill. He went at considerable length into a recapitulation of the circumstances of this case, showing that the claim of Mr. Piatt's heirs grows out of his relation as a contractor for the supply of the army ten years ago.

Mr. Livermore took a similar view of the case, and remonstrated against the postponement, in a speech of considerable extent.

Mr. Forsyth shortly replied, not in a direct denial of the equity of the claim, but expressing a desire for a better understanding of it.

Mr. McLane, of Delaware, spoke at length in favor of the bill, which, he contended, did not go to the whole extent of what was justly due to the claimants. He gave a history of what had been done; read the opinion of Mr. Pinkney on the construction of the law under which the claim is advanced, and argued from the whole case, the propriety of immediately passing the bill.

Mr. McArthur testified to many of the circumstances of the case of this claimant, who had been ruined by adhering to his contract, and died in extreme distress. Mr. McA. passed a strong eulogium on his honesty, activity, and patriotism.

Mr. Dwight explained the facts on which the claim rested, and advocated its equity.

Mr. Wright bore witness to other facts, and confirmed the views of his character and claim which had been already given.

Mr. McCoy advocated the passage of the bill. He had gone into an extensive examination of the case, and was fully satisfied of the justice of the claim. The bill fell far short of appropriating all that was due to the estate of Mr. Piatt.

Mr. Forsyth replied—stated his views of the law on which the claim was founded, and on which he differed from the gentlemen who had spoken on the other side. He nevertheless withdrew his motion for postponement.

Mr. McLane further dwelt on the nature of the law, defended the interpretation given to it by Mr. Pinkney and by the Second Auditor of the Treasury, and urged the passage of the bill.

Mr. Mallary read a letter of the late Mr. Piatt, in which he refuses to abandon a disadvantageous contract, and resolves to go on in supplying the army at Detroit, trusting to the equity and liberality of the Government.

Mr. Longfellow called for the reading of the contract—and spoke at length in opposition to the passage of the bill, occasionally referring to the accounts in support of his views.

Mr. Culpeper spoke in favor of the bill. He had been a member of this House when the claim was first presented, and his only doubt about the bill was, whether it went to the extent of what was due.

Mr. McCoy explained a number of facts in answer to Mr. Longfellow.

Mr. Vance, of Ohio, went into the history of the contract, and of the law which passed for the settlement of the accounts of Mr. Piatt, and explained the reason of the discrepancy between the settlement allowed by different accounting officers of the Treasury, and stated some of the dying expressions of Mr. Piatt.

The question was then taken, and the bill was passed with a single dissenting voice.

An engrossed bill "for the relief of Arthur H. Henly," and an engrossed bill "releasing the owners of the ship General Jackson from the payment of certain duties," were read a third time, and passed.

DONNELSON, HURD, AND OTHERS.

A bill "for the relief of John Donnelson, Stephen Hurd and others," being taken up, Mr. **Cobb** renewed the motion he had made on Saturday in Committee of the Whole, for inserting the name of Thomas Carr in the 4th line of the bill—and stated the reason for such insertion. He went into a full statement of the transactions to which the bill refers—and maintained that Carr had the same right to compensation with Donnelson, Hurd, and others.

Mr. **Cook** opposed the amendment, and was proceeding to adduce the reasons for the opposition, when the hour of recess arrived—and the House had a recess till 4 o'clock.

The House met after the recess; and the question being on the amendment proposed by Mr. **Cobb**, to insert the name of Thomas Carr—

Mr. **Whipple** spoke in opposition to the amendment.

Mr. **Wickliffe** moved indefinitely to postpone the bill.

Mr. **Rankin** opposed the indefinite postponement, and went at some length into the facts of the claim, enforcing the arguments he advanced on Saturday.

The **Chair** refused to take the question on indefinite postponement until that on the amendment should have been decided.

Mr. **Cobb** further advocated the propriety of inserting the name of Thomas Carr—referring to documents to support his arguments.

Mr. **Cook** followed on the opposite side, and contended that there was no proof that Mr. Carr had performed any service as a commissioner.

Mr. **Forsyth** spoke in reply to the gentleman from Illinois, and contended that Mr. Carr had performed important services.

Mr. **Wickliffe** replied to Mr. **Rankin**; spoke against the amendment, and referred to documents to confirm the sentiments he advanced.

Mr. **Whipple** insisted on the grounds he had formerly taken, in opposition to the amendment.

Mr. **Thompson** argued that, though Mr. Carr had not been engaged in exploring lands, he might, as commissioner, perform other important duties, worthy of recompense.

The question being then taken on the amendment, it was carried—ayes 92.

And the bill was then ordered to a third reading—ayes 79, noes 76.

A motion was made to adjourn, which was lost—ayes 70, noes 85.

On motion of Mr. **Campbell**, of Ohio, the House then went into Committee of the Whole, (Mr. **Dwight** in the chair,) on the bill "for the relief of Robert S. Forman." The report of the Committee on Private Land Claims, in this case, was read, and the bill was reported and ordered to a third reading.

On motion of Mr. **Owen**, the House went into Committee of the Whole, (Mr. **Edwards**, of North Carolina, in the chair,) on the bill confirming to the heirs and legal representatives of the late Don Miguel de Esclava, the title to certain lands in the town of Mobile. The report of the Committee on Private Land Claims having been read—the bill was reported.

And then the House adjourned.

TUESDAY, April 27.

Mr. **Campbell**, of Ohio, from the Committee on Private Land Claims, reported a bill for the relief of Maturin Guichot; which was read twice, and committed to a Committee of the Whole.

Mr. **Campbell**, from the same committee, reported a bill for the relief of Joseph Firman and others; which was read twice, and committed to a Committee of the Whole.

Mr. **McLane**, from the Joint Committee of Conference, appointed on the part of this House, to meet a committee on the part of the Senate, in relation to the Navy Appropriation bill, made a report, recommending a compromise of the difference between the two Houses as to the item of contingent expenses of the Navy; which was ordered to lie on the table.

The **Speaker** laid before the House a report from the Secretary of War on the case of George Harlin, made in obedience to an order of this House, of the 20th inst.; which report was committed to the Committee of the Whole to which is committed the bill for the relief of said Harlin.

Mr. **Hamilton** moved that the rule adopted on Saturday last for holding a daily recess from two till four be rescinded. Mr. **Cocke** objected to this motion, and moved that it lie on the table. And the question being taken on laying it on the table, it was decided in the negative—ayes 41, noes 70. The question then recurring on rescinding the rule, Mr. **Kremer** opposed the motion, and called for the yeas and nays upon it, which were ordered. Mr. **Hamilton** spoke in support of rescinding the rule. Mr. **Taylor**, of New York, spoke in opposition to it, and moved that the further consideration of the subject be postponed to to-morrow. The question on postponement was taken, and decided in the negative—ayes 62, noes 70. Mr. **Warfield** spoke in favor of rescinding; and the question was decided in the affirmative—yeas 100, nays 69. So the rule was rescinded.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act declaring the consent of Congress to certain acts of the State of Alabama;" in which they ask the concurrence of this House.

The bill was read twice, and referred to the Committee on the Judiciary.

Mr. **Condict** moved the following amendment to the rules and orders of the House, viz:

"When a bill is engrossed for a third reading, it shall be handed by the Clerk to the chairman of the committee reporting it; and it shall be the duty of such committee carefully to examine and compare such engrossed bill, and report thereon to the House."

The said amendment was laid on the table until to-morrow.

Mr. Foot, of Connecticut, laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House, at the next session, a detailed report of the system and plan of fortifications as at present contemplated by the Government and established by the Board of Engineers; and also the plans and surveys of such fortifications, with an estimate of the amount necessary to complete the same; and also the amount expended on fortifications since the year 1815.

An engrossed bill "for the relief of Robert S. Forman" was read a third time, passed, and sent to the Senate for concurrence.

An engrossed bill "to authorize the President to exchange five arpents of land on the south side of the public lot at Baton Rouge, for an equal quantity on the north side of said lot," was read a third time, passed, and sent to the Senate for concurrence.

An engrossed bill "for the relief of the heirs and legal representatives of John Donnelson, Stephen Hurd, and others," was read a third time. Mr. Miller called for the yeas and nays; but the House refused to sustain the call. The question recurring on the passage of the bill, it was decided in the negative—ayes 61, noes 76. So the bill was rejected.

The question then recurring, from yesterday, on ordering the bill "for the relief of Don Miguel de Esclava" to a third reading, Mr. Campbell, of Ohio, moved an amendment, striking out that part of the bill which confirms to M. de Esclava, among other tracts, the title of 5,000 arpents of land, on Dog river, near Mobile. Mr. Moore, of Alabama, opposed the amendment at considerable extent, and was replied to by Mr. Brent, who advocated the amendment on the ground that the establishment of the principle contained in it would bear hard on his constituents, as the passage of the section proposed to be stricken out, would be destructive to a large class of land claims in Louisiana. Mr. Owen, of Alabama, spoke in favor of granting the tract under discussion, and opposed the amendment at considerable length. Mr. Taylor, of New York, without going into the merits of the claim, moved that, as the principle of the bill admitted of a great extent of debate, and the session was far advanced, and much time could not be devoted to private claims, the bill be postponed till the first day of the next session; which motion was agreed to, and the bill was postponed accordingly.

Mr. Sloane moved a reconsideration of the vote rejecting the bill "for the relief of Donnelson and others," and the question being taken on reconsidering, it was negatived—ayes 73, noes 74.

The House went into Committee of the Whole, (Mr. Condict in the Chair,) on the bill "for the relief of Charles Humphrey." The report on his case having been read, the bill was reported to the House, and ordered to a third reading.

On motion of Mr. Whittlesey, the House went into Committee of the Whole, (Mr. Buck in the Chair,) on the bill "for the relief of the representatives of Elijah Brush." The report of the Committee of Claims was read, and the bill being reported to the House, was ordered to a third reading.

On motion of Mr. Hamilton, the House went into Committee of the Whole, (Mr. Lathrop in the Chair,) on the bill "for the relief of Joseph Mareschall." The report of the Committee on Military Affairs, in this case, was read. Mr. Hamilton moved to fill the blank in the bill with the sum of $288, which was agreed to. Mr. H. then moved an amendment, remitting the costs of a suit of the United States against Mareschall; which was carried. The bill was then reported, as amended, and ordered to a third reading.

On motion of Mr. Vinton, the House went into Committee of the Whole, (Mr. Harvey in the Chair,) on the bill "for the relief of Bazaleel Wells." Mr. Vinton stated the facts of the case; and the bill was reported, and ordered to a third reading.

On motion of Mr. McCoy, the House went into Committee of the Whole, (Mr. Beecher in the Chair,) on the bill "for the relief of Joseph Smith, of Alexandria." The report of the Committee of Claims was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. Campbell, of South Carolina, the House went into Committee of the Whole, (Mr. Sterling in the Chair,) on the bill "for the relief of Malachi Burns." The report of the Committee on Private Land Claims, in this case, having been read, and a small error in the bill having been corrected, it was reported, and ordered to a third reading.

On motion of Mr. McCoy, the House went into Committee of the Whole, (Mr. Findlay in the Chair,) on the bill "for the relief of Stephen Brace." The report of the Committee of Claims having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. Whittlesey, the House went into Committee of the Whole, (Mr. Leftwich in the Chair,) on the bill "for the relief of Lemuel Arms." The report of the Committee of Claims was read—when the bill was reported, and ordered to a third reading.

On motion of Mr. Whittlesey, the House went into Committee of the Whole, (Mr. Test in the Chair,) on the bill "for the relief of Mareen Duval." The report of the Committee of Claims was read. Mr. Wright moved to amend the bill, by striking out $81 93, and inserting $67 18, which was agreed to; and the bill was reported, and ordered to a third reading.

On motion of Mr. Edwards, of North Carolina, the House went into Committee of the Whole, (Mr. Campbell, of Ohio in the Chair,) on the bills "for the relief of Samuel Rist," and "for the relief of John Hall." Mr. EDWARDS stated the case of Samuel Rist, (an insane soldier.) The Chairman of the Committee on Pensions and Revolutionary Claims in the case of Hall, stated the circumstances in his case. Mr. FORSYTH moved to amend the bill, by adding to it the following clause; "and to allow Lewis Joseph Beaulieu $250 per annum, in place of the pension allowed to him by the Continental Congress. Mr. EDWARDS objected to the amendment, as being not in order. The Chair pronounced it to be in order; and the report of the Committee of Claims in the case of Beaulieu, was read. The amendment was rejected, and then the bill was reported, and ordered to a third reading.

On motion of Mr. WILLIAMS, of North Carolina, the House went into Committee of the Whole, (Mr. WHITTLESEY in the Chair,) on the bill "for the relief of Joshua Bennett." The report in this case being read, the bill was reported and ordered to a third reading.

On motion of Mr. WHITE, of Kentucky, the House went into Committee of the Whole, Mr. CONDICT in the Chair, on the bill "for the relief of Elliot Rucker." The report of the Committee on the Post Office and Post Roads having been read, the bill was reported and ordered to a third reading.

On motion of Mr. LITTLE, the House went into Committee of the Whole, Mr. TOMLINSON in the Chair, on the bill "for the relief of Catharine Louderman." A bill from the War Department on the case of Louderman, was read. Mr. CADY moved an amendment placing Thomas Burk on the pension list. The Chairman pronounced the amendment to be out of order. The bill was then reported.

Mr. MCCOY objected to ordering the bill to a third reading, as setting a precedent which might have extensive consequences. Mr. CULPEPER replied, and the bill was ordered to a third reading.

On motion of Mr. LITTLE, the House went into Committee of the Whole, Mr. HOGEBOOM in the Chair, on the bill "for the relief of the legal represenatives of Charles Bradford." The report of the Committee on Pensions and Revolutionary Claims in this case having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. CAMPBELL, of Ohio, the House went into Committee of the Whole, Mr. WICKLIFFE in the Chair, on the bill "for the relief of Thomas Williams." The petition and documents in this case were read, and the bill was reported, and ordered to a third reading.

On motion of Mr. MCLANE, the message from the Senate, accompanied by a report of the joint committee of conference, signifying that they had receded from their amendment formerly insisted on to the bill making appropriation for the naval service of the United States for the year 1824, and proposing certain other amendments, was taken up.

Mr. COCKE spoke in opposition to one of the amendments, which recognises per diem allowances for extra services by officers of the Navy, and he moved to lay the bill and report on the table, but withdrew his motion at the request of Mr. MCLANE, who urged a speedy passage of the bill, for which the public service was suffering. He explained the several amendments proposed, and replied to the objections of Mr. COCKE.

Mr. COCKE insisted on the objections, and supported them by a series of remarks, which he closed by renewing the motion to lay the bill on the table. The motion was lost, and the House concurred in the report of the committee of conference.

On motion of Mr. MCCOY, the House went into Committee of the Whole, Mr. ALLEN in the Chair, on the bill "for the relief of Nathaniel Jones." The report in the case having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. MCCOY, the House went into Committee of the Whole, Mr. COOK in the Chair, on the bill "for the relief of John Holliday." The report of the Committee of Claims having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole, Mr. CRAFTS in the Chair, on the bill "for the relief of Benjamin Desobry." Mr. CAMBRELENG having stated the circumstances of the case, the bill was reported, and ordered to a third reading.

On motion of Mr. CADY, the House went into Committee of the Whole, Mr. CULPEPER in the Chair, on the bill for the relief of Jonas Duncan. The report of the Committee on Naval Affairs in the case having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. MCKIM, the House went into Committee of the Whole, Mr. STRONG in the Chair, on the bill for the relief of John Wilmot. The report of the Committee of Ways and Means having been read, and a blank date in the bill supplied—

Mr. COCKE spoke in opposition to the bill, and moved to strike out the enacting clause.

Mr. MCLANE replied, and urged the judgment of the Supreme Court of the United States in this case.

Mr. TRIMBLE made some remarks on what had formerly been done in this case.

Mr. FOOT, of Connecticut, explained the facts to which the bill refers.

Mr. MCLANE read the report of the Committee of Ways and Means, made in 1818, which he explained and enforced.

Mr. COCKE withdrew his motion to strike out; and the bill was reported and ordered to a third reading.

The House, on motion of Mr. MCCOY, went into Committee of the Whole, Mr. TEN EYCK in the Chair, on the bill "for the relief of J. Ottramare."

The chairman of the Committee of Ways and Means not being in his place, Mr. MCCOY moved that the committee rise, and the bill lie over till further information could be given to the committee.

Before the question was taken, the petition of Mr. Ottramare was read, and the bill was reported, but, on motion of Mr. TRACY, was laid on the table.

WILLIAM P. NIMMO.

On motion of Mr. Whittlesey, the House, by a vote of 88 to 51, took up the bill for the relief of William P. Nimmo.

Mr. Whittlesey having spoken in support of the passage of the bill—

Mr. Williams, of North Carolina, observed that, since this bill was formerly considered, a general bill had been reported, proposing to make provision for all cases similar to that of Mr. Nimmo. If that bill should pass, this one would be unnecessary; if not, it would be wrong to distinguish this sufferer from the others. He moved to to lay the bill again upon the table; but withdrew the motion, to give way to Mr. Newton, who advocated at length the equity of the claim, and pressed the passage of this bill. Mr. Strong spoke in reply, and moved the postponement of the bill to the first day of the next session.

The question being taken on this motion, it was decided in the negative—ayes 65, noes 71.

Mr. Sharpe moved the reference of the bill to the same committee to whom was referred the general bill for similar cases to the present.

The question being taken, the votes stood—ayes 70, noes 69.

The Speaker voting against the recommitment, it was lost by the equality of votes *pro* and *con*.

The question recurring on the passage of the bill, Mr. Sandford opposed and Mr. Whittlesey advocated it. When the question on the passage of the bill was taken, and decided in the affirmative—80 to 66. So the bill was passed, and sent to the Senate for concurrence.

Wednesday, April 28.

Mr. E. Whittlesey, from the Committee of Claims, made a report on the petition of James, Jehu, and Nathaniel Brooks, accompanied by a bill for their relief, or the legal representatives of either of them, which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. Harvey, from the Committee on Naval Affairs, made a report on the petition of John K. Carter, accompanied by a bill for his relief, which was read twice, and committed to a Committee of the Whole.

Mr. Cushman, from the Committee on the Public Buildings, made the following report:

"The Committee on the Public Buildings, to whom was referred the resolution instructing them to inquire into the expediency of purchasing three of Capillano's marble busts of Washington, having had the subject under consideration, report:

"That, however laudable it may be in the Government to cherish a disposition friendly to the fine arts, and to patronize ingenious artisans, or politic to adorn our public halls or libraries with the likenesses of departed sages or heroes, it is inexpedient to purchase these busts, at this time, under existing circumstances."

The report was concurred in.

The resolution offered yesterday, by Mr. Foot, of Connecticut, calling on the President of the United States for information in relation to the plans of fortification now pursued by Government, was taken up.

Mr. Cocke suggested that the inquiry ought to be further extended, and wished that the resolution should be laid on the table one day more, that it might be modified.

Mr. Foot not acceding to this suggestion, Mr. Cocke then moved to lay the resolution on the table; which motion was carried.

Engrossed bills of the following titles, to wit:
For the relief of James Duncan;
For the relief of Lemuel Arms;
For the relief of John Wilmot;
For the relief of Joshua Bennett;
For the relief of Nathaniel Jones;
For the relief of John Holliday;
For the relief of Charles Bradford;
For the relief of Elliott Rucker;
For the relief of Catherine Louderman;
For the relief of Malachi Burns;
For the relief of Bazaleel Wells;
For the relief of the representatives of Elijah Brush;
For the relief of Joseph Mareschal;
For the relief of Charles Humphreys;
For the relief of Joseph Smith;
For the relief of Mareen Duval;
For the relief of Samuel Rist;
For the relief of William Hull;
For the relief of Thomas Williams;
For the relief of Stephen Brace;
For the relief of Benjamin Desobry;
were severally read a third time, passed, and sent to the Senate for concurrence.

The following bills, all of a private nature, viz:
A bill for the relief of Hugh McCulloch;
A bill for the relief of Robert Strain;
A bill for the relief of John S. Moffet;
A bill for the benefit of the Columbian Institute, (allowing the Institute the temporary use of certain public lots in Washington;)
A bill for the relief of Judah Alden;
A bill for the relief of Henry Lightner;
A bill for the relief of George Fisher;
A bill for the relief of Landie Richardson;
A bill for the relief of David Cooper;
A bill for the relief of Jacques Myctte, Francis Charpentrie, and Jean B. Laducier;
A bill for the relief of Daniel Carroll, of Duddington, and others;
A bill for the relief of Peter Yandes;
A bill for the relief of David Beard;
A bill for the relief of Thomas L. Ogden, and others;
A bill for the relief of Mary H. Hawkins;
A bill for the relief of Solomon Sibley;
A bill for the relief of J. M. C. Montgomery; and
A bill for the relief of Frederick Perley;
were severally considered and discussed, in Committee of the Whole, and ordered to a third reading.

DANIEL CARROLL.

On the bill "for the relief of Daniel Carroll, of Duddington, and others," an extensive debate arose.

Mr. McCoy went at length into a statement of the facts of the case, and spoke in favor of the bill.

Mr. Cocke opposed its passage, and moved to strike out the enacting clause. Mr. McCoy replied and explained; and a desultory debate arose, in which Messrs. Cocke, McCoy, Warfield, Brent, Livermore, Little, Gazlay, and Ross, participated—when the motion to strike out the enacting clause was negatived.

Mr. Hayden moved to amend the bill by striking out $1500 and inserting $1000; and the debate was further continued by Messrs. McCoy, Reynolds, Letcher, and Brent.

The question being taken, was decided in the negative—ayes 65, noes 66. The Chairman voted in the negative. So the amendment was lost. The bill was then reported.

Mr. Cocke called for the yeas and nays on ordering the bill to a third reading; and the question being taken was decided—yeas 78, nays 77, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Archer, Baylies, J. S. Barbour, Bassett, Brent, Buchanan, Buck, Cambreleng, Cobb, Collins, Condict, Cook, Crafts, Craig, Cushman, Cuthbert, Durfee, Dwinell, Eaton, Eddy, Farrelly, Foot of Connecticut, Forward, Garnett, Gurley, Hamilton, Harvey, Hayward, Henry, Hogeboom, Hooks, Jenkins, J. T. Johnson, Kent, Lathrop, Lawrence, Leftwich, Litchfield, McCoy, McKim, McLane of Delaware, McLean of Ohio, Mallary, Matson, Metcalfe, Mitchell of Maryland, Neale, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reynolds, Ross, Saunders, Sloane, Spence, A. Stevenson, Strong, Swan, Ten Eyck, Thompson of Kentucky, Tomlinson, Tracy, Trimble, Tucker of Virginia, Vance of Ohio, Van Wyck, Warfield, Whipple, Whittlesey, Williams of Virginia, Williams of North Carolina, Henry Wilson, Wood, and Wright.

Nays—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Barber of Connecticut, P. P. Barbour, Bartlett, Bartley, Beecher, Blair, Bradley, Brown, Buckner, Burleigh, Cady, Campbell of Ohio, Cary, Clark, Cocke, Conner, Day, Dwight, Ellis, Findlay, Foote of New York, Forsyth, Frost, Garrison, Gatlin, Gazlay, Gist, Harris, Hayden, Herrick, Houston, Isacks, F. Johnson, Kidder, Kremer, Letcher, Livermore, Locke, Longfellow, McArthur, Marvin, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Richards, Sandford, Sharpe, Sibley, Arthur Smith, William Smith, Spaight, Standefer, Sterling, Taliaferro, Taylor, Test, Thompson of Georgia, Tod, Tucker of South Carolina, Tyson, Udree, Vance of North Carolina, Vinton, Whitman, Wickliffe, James Wilson, Wilson of South Carolina, Wilson of Ohio, and Woods.

To-morrow was then assigned for the third reading of said bill.

CLAIM OF DANIEL D. TOMPKINS.

A Message was received from the President of the United States, which was read as follows:

To the House of Representatives:

The House of Representatives having referred back the accounts and claims of Daniel D. Tompkins, late Governor of New York, to be settled on the principles established by the report of the committee, and the law founded on it, in the last session, I have reconsidered the subject, and now communicate the result.

By the report of the committee, which it was understood was adopted by the House, it was decided that his accounts and claims should be settled on the four following principles:

First. That interest should be allowed him on all moneys advanced by him for the public, from the time of the advance to that of his being reimbursed.

Second. That a reasonable commission should be allowed him on all moneys disbursed by him during the late war.

Third. That an indemnity should be allowed for all losses which he had sustained by the failure of the Government to fulfil its engagements to send him money, or Treasury notes, within the time specified, to be deposited in certain banks, as collateral security, for loans procured by him, at the request, and on account of, the Government.

Fourth. That he should not be held responsible for losses incurred by the frauds and failures of sub-agents, to whom moneys were advanced through his hands.

On the first: That of interest on his advances for the public, I have allowed him $14,438 68. This allowance is made on advances admitted by the accounting department, and on the declaration of Mr. Tompkins that the remittances made to him, after his advances, and previous to the 24th of December, 1814, when a very large sum was remitted to him, were applied to public purposes, and not to the reimbursement of his advances.

On the second head: That of a reasonable commission for his disbursements, during the late war, I have allowed him five per cent. on the whole sum disbursed by him, amounting to ninety-two thousand two hundred and thirteen dollars, thirteen cents. I have made him this extra allowance in consideration of the aid which he afforded to the Government at that important epoch, in obtaining the loan of a considerable part of the sums thus disbursed.

On the third head: That of an indemnity for losses sustained by him, in consequence of the failure of the Government to fulfil its engagements to send him money or Treasury notes within the time specified, I have allowed him $4,411 25, being the amount of the loss sustained on the sale of the Treasury notes, for which he was responsible.

On the fourth head: That of losses sustained by him by any frauds or failures of sub-agents, none such having been shown, no allowance whatever has been made to him.

From the amount thus allowed to Mr. Tompkins, after deducting the sum paid him, under the act of the present session, and the moneys charged to his account, there will remain a balance due him, of $60,238 46, as appears by the sketch herewith communicated.

In making a final decision on Mr. Tompkins's claims, a question arises, shall interest be allowed him on the amount of the commission on his disbursements? The law of the last session grants to the President a power to allow interest on moneys advanced by him to the public, but does not authorize it on the commission to be allowed on his disbursements. To make such allowance belongs exclusively to Congress. Had his claims been settled at the end of the last war, on the principles established by the law of the last session, a commission on disbursements would

then have been allowed him. This consideration operates with great force in favor of the allowance of interest on that commission, at this time, which I recommend to Congress.

I think proper to add that the official relation which I bore to Governor Tompkins, at that very interesting epoch, under the highly distinguished and meritorious citizen under whom we both served, enabling me to feel very sensibly the value of his services, excites a strong interest in his favor, which I deem it not improper to express.

JAMES MONROE.

April 28, 1824.

The Message and document were referred to the Committee on Ways and Means.

And then the House adjourned.

Thursday, April 29.

Mr. Scott, by leave of the House, presented a representation and memorial of the Bank of Missouri, by Thomas F. Riddick, its agent, in relation to its transactions with the Treasury Department of the United States, and praying that the Secretary of the Treasury may be directed to settle the claims of the said bank, upon the principles of equity.—Referred to the Committee of Ways and Means.

Mr. Gazlay submitted a joint resolution, for the appointment of a trustee on behalf of the United States, to carry into execution an act of Congress of 3d March, 1803, relative to a township of land in the State of Ohio, reserved for an academy in the grant of John Cleves Symmes; which said resolution was read twice, and ordered to be laid upon the table.

The resolution of Mr. Foot, of Connecticut, calling on the President of the United States for certain information respecting fortifications, was, on motion of Mr. Cocke, taken up and considered.

Mr. Cocke offered an amendment to strike out the word "established," [by the Board of Engineers,] and insert the word "recommended," which was agreed to.

At the motion of Mr. Taylor, the word "government" was stricken out, and the word "President" inserted in its stead.

The question being on adopting the resolution, as amended, some debate arose, in which Messrs. Cook, Little, and Foot, took part.

Mr. Poinsett offered an amendment to qualify the call for information, by a clause which limits it to such only as may be communicated without injury to the public defence.

Mr. Condict moved that the resolution be farther modified by adding to it a clause in these words: "so far as the same has not heretofore been communicated." This amendment was not agreed to, and, on motion of Mr. Little, the resolution was laid on the table.

The following engrossed bills of a private nature, which were yesterday ordered to a third reading, were this day read a third time, passed, and sent to the Senate for concurrence, viz:

A bill for the relief of Hugh McCulloch;
For the relief of Robert Strain;
For the relief of John S. Moffett;
For the benefit of the Columbian Institute;
For the relief of Judah Alden;
For the relief of Henry Lightner;
For the relief of George Fisher;
For the relief of Landie Richardson;
For the relief of David Cooper;
For the relief of Peter Yandes;
For the relief of David Beard;
For the relief of Thomas S. Ogden and others;
For the relief of Mary H. Hawkins;
For the relief of Solomon Sibley;
For the relief of J. M. C. Montgomery;
For the relief of Frederick Perley;
For the relief of Daniel Carroll, of Duddington, and others;

On the passage of this bill, Mr. McArthur called for the yeas and nays, which were ordered. Farther documents were read, and Mr. Williams, of North Carolina, chairman of the Committee of Claims, spoke in favor of the passage of the bill. The question on its passage was decided by yeas and nays, as follows: Yeas 82, nays 79. So the bill was passed.

The following bills, of a private nature, were then considered in Committee of the Whole, reported to the House, and ordered to a third reading, viz:

A bill for the relief of Morris Goldsmith and Anthony Roderick;

A bill for the relief of Robert Blean;

A bill supplementary to the act to incorporate the inhabitants of the City of Washington;

On this bill some discussion arose between Messrs. Kent, Neale, Little, Culpeper, and Alexander, of Virginia.

Mr. Alexander offered an amendment:

"Sec. 6. *And be it further enacted*, That the Board of Aldermen and Board of Common Council, in joint meeting, shall have power to judge of the legality of the elections, returns, and qualifications, of the Mayor, and to order new elections when they may deem the same necessary. And, in cases where a new election may be ordered, the Mayor for the preceding term shall continue to act as such, until a Mayor shall be elected and qualified. And, if the Mayor for the preceding term shall be incapable, or shall refuse or neglect to serve as such, then the two Boards, in joint meeting, may elect a person as Mayor until a Mayor shall be elected and qualified as aforesaid. And, in case the Mayor shall, at any time, become incapable of acting as such, by reason of absence, sickness, or disability, the two Boards may elect a Mayor, to act until such incapacity or disability shall be removed."

The question being taken, it was decided in the negative—ayes 53, noes 67.

The bill being reported to the House, Mr. Little offered the foregoing amendment.

On this amendment, the debate was renewed by Messrs. Little, Culpeper, Neale, Cook, Tracy, and Taylor; and the question being taken, it was rejected.

A bill for the relief of Jacob Slough;

A bill for the relief of the legal representatives of Fry and Spalding;

A bill for the relief of Samuel Cleaveland;

A bill to compensate William Cocke for certain military services rendered the United States during the late war;

[This bill was amended by a section allowing to John T. Johnson, aid of General Harrison in the late war, the pay of a captain, together with the emoluments usually allowed to the aids of generals in the militia service.]

A bill for the relief of Dean Weymouth;

For the relief of John Mitchell;

For the relief of John Topp;

For the relief of Archibald Clark;

For the relief of Benjamin King;

For the relief of Maturin Guichot, (with an amendment;)

For the relief of Joseph Firman and others, (with an amendment;)

For the relief of James, Jehu, and Nathaniel Brooks, and the legal representatives of either of them;

For the relief of John K. Carter.

Also, the following bills from the Senate:

For the relief of Joseph Wood, of Ohio;

For the relief of Josiah Hook, jun.

This bill gave rise to much debate. A motion was made to lay it on the table, and negatived. Many documents were read. A motion was made to postpone indefinitely, and, after extended argument, in which Messrs. Williams of North Carolina, Longfellow, McCoy, Webster, and Whittlesey, took part, the indefinite postponement was negatived by a large majority, and the bill was reported, and ordered to a third reading, as also was the one preceding it.

Mr. Newton, from the Committee on Commerce, reported a bill "making appropriations for deepening the channel leading into the harbor of Presque isle, and for repairing Plymouth beach;" which was twice read and committed.

Mr. McCoy, from the Committee of Claims, reported a bill "for the relief of Edward and Owen Evans;" which was twice read and committed.

And then the House adjourned.

Friday, April 30.

Mr. Rankin, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act supplementary to an act of Congress, passed on the 13th day of June, 1812, entitled 'An act making further provision for settling the claims to land in the Territory of Missouri,'" reported the same with amendments; and the bill was committed to a Committee of the Whole.

Mr. Little from the Committee on Pensions and Revolutionary Claims, to which was referred the amendment proposed by the Senate to the bill, entitled "An act concerning invalid pensioners," made a report; and the amendment was committed to a Committee of the Whole.

Mr. Fuller, from the Committee on Naval Affairs, made a report on the petition of Edward Barnard, administrator on the estate, &c., of John B. Fanning, deceased, late a purser in the Navy of the United States, accompanied by a bill; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of Robert Brotherton; which was read twice, and committed to a Committee of the Whole.

Mr. Whipple, from the Committee on the Public Lands, to whom the subject had been referred, reported a bill for the relief of the registers and receivers of public money of the several land offices; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. Tattnall, the Committee on Military Affairs were instructed to inquire into and report, at the next session of Congress the extent to which it is expedient to adopt the system of defence, proposed in the several reports of the board of engineers, for the defence of the maritime frontier of this country; the amount which it is estimated the works in contemplation, approved of by the committee, may cost, specifying the location and estimated cost of each particular work; and also, the amount which it may be proper and expedient to appropriate *annually* for gradually effecting the above contemplated plan of defence.

The House proceeded to consider the bill to authorize the issuing a register to the brig William, of New York, and the said bill being amended, was ordered to be engrossed, and read a third time to-morrow.

The bill from the Senate, entitled "An act for the relief of Joseph Hook, junior," was read the third time, and, being on its passage, it was ordered that the further consideration of the bill be postponed until Monday next.

Mr. Warfield offered the following:

"*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing an act of the Legislature of the State of Maryland, (so far as the said act extends to the District of Columbia,) passed in the year 1785, entitled "An act ascertaining what shall be recovered on protested bills of exchange; and to repeal an act of Assembly therein mentioned."

Mr. Buchanan called on the mover for an explanation, which was given at length by Mr. Warfield; and the resolution was agreed to.

The following engrossed bills, viz:

A bill for the relief of Morris Goldsmith and Anthony Roderick;

A bill for the relief of Robert Blean;

A bill for the relief of Jacob Slough;

A bill for the relief of the legal representatives of Fry & Spalding;

A bill for the relief of Samuel Cleveland, jun.;

A bill for the relief of Dean Weymouth;

A bill for the relief of John Mitchell;

A bill to compensate William Cocke for certain military services rendered the United States during the late war, and for the relief of John T. Johnson;

A bill for the relief of John Topp;

A bill for the relief of Archibald Clark;

A bill for the relief of Benjamin King;

A bill for the relief of Maturin Guichot;

A bill for the relief of Joseph Firman, and others;

A bill for the relief of James, Jehu, and Nathaniel Brooks, and the legal representatives of either of them;

A bill for the relief of John K. Carter;

were, respectively, read a third time, *passed*, and sent to the Senate for concurrence.

The bill for the relief of Jacques Myotte, Francois Charpentrie, and James B. Laducier, having been read, Mr. **VINTON**, of Ohio, moved for its indefinite postponement, on the ground that there was no sufficient evidence of the petitioner's having performed military services in Illinois. Mr. **COOK** replied, and advocated, at length, the equity of the claim. Mr. **RANKIN** strongly doubted, and thought the presumption, from the circumstances of the case, was against the claim. Mr. **COOK** farther defended its justice, in a speech of considerable length—to which Mr. **RANKIN** rejoined, and the debate was farther continued by Messrs. **COOK**, **VANCE**, of Ohio, **FORSYTH**, and **WHIPPLE**:

And the question being taken on Mr. **VINTON's** motion, it was decided in the affirmative—ayes 86, noes 45.

So the bill was indefinitely postponed.

The engrossed bill "supplementary to the act to incorporate the inhabitants of the City of Washington;" and the bill from the Senate "for the relief of Joseph Wood, of Ohio;" were read a third time, *passed*, and sent to the Senate.

Mr. **TUCKER** moved to take up the report of the Committee on the claim of the heirs of Beaumarchais; which was agreed to—ayes 63, noes 52; and the House went into Committee of the Whole, (Mr. **BASSETT** in the Chair,) on the report. Mr. T., having commenced a detailed statement of the circumstances of the claim, and made some progress, the Committee rose, on motion of Mr. **CLAY**, with an understanding that this subject shall be taken up on Monday next.

The following bills, viz:

A bill for the relief of the representatives of Joseph C. Boyd;

A bill for the relief of Celestin Moreau, of Louisiana;

A bill rewarding the officers and crew of two gigs, or small boats, under the command of Lieut. Francis H. Gregory, of the United States Navy;

A bill for the relief of Hanson Kelly;

severally passed through Committees of the Whole, and were ordered to a third reading.

Mr. A. **STEVENSON**, from the committee to whom was referred the Message of the President of the United States, in relation to the accounts of Daniel D. Tompkins, reported a bill, (in blank,) "making appropriation for the payment of the amount adjudged to be due to him;" which was twice read and referred.

Mr. A. **STEVENSON**, from the Committee of Ways and Means, reported a bill "authorizing the executors of John B. Mebane to collect certain arrears of taxes;" which was twice read, and ordered to a third reading to-morrow.

Mr. F. **JOHNSON** gave notice, that on Tuesday next he should move the House to take up the bill "to reduce one of the several acts establishing and regulating the Post Office Department."

The bill from the Senate, for the relief of James Johnson, passed through a Committee of the Whole, and was ordered to a third reading.

The bill from the Senate, "for the relief of the legal representatives of Andrew Mitchell, deceased," was taken up.

On a motion of Mr. **COCKE**, indefinitely to postpone this bill, (which is for the remission of duties on a still, not worked while its owner was a volunteer officer in the late war,) a considerable debate arose, in which Messrs. **COCKE**, **McCOY**, **BROWN**, **WILLIAMS**, of North Carolina, **BUCHANAN**, **WARFIELD**, **LIVERMORE**, and **WHIPPLE**, took part. And the question being taken, it was decided in the negative—ayes 61, noes 65; and the bill was then ordered to a third reading—ayes 67, noes 54.

The following bills from the Senate, viz:

A bill for the relief of Napier, Rapelye, and Bennett, of Charleston, South Carolina;

A bill for the relief of Noah Smith, of Maine;

A bill for the relief of Dean Weymouth, (with an amendment, including two other invalid soldiers in the increase of pension given by the bill;)—

Were, respectively, considered in Committee of the Whole, and, having been reported to the House, were ordered to a third reading.

A bill for the relief of Sarah Venable and Jane Morgan, was amended in Committee of the Whole, and, having been reported to the House, was laid on the table; and then the House adjourned.

SATURDAY, May 1.

Mr. **PLUMER**, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of Elisha Snow, junior; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. **CAMPBELL**, of Ohio, from the Committee on Private Land Claims, to which was recommitted the bill for the relief of George Harlin, reported the same without amendment; it was then ordered that the bill be postponed indefinitely.

The following engrossed bills, viz:

A bill to authorize the executors of John B. Mebane to collect certain arrears of taxes;

A bill to authorize the issuing of a register to the brig William, of New York;

A bill for the relief of the administrator of John B. Fanning, deceased, late a purser in the Navy of the United States;

And the following bills from the Senate, viz:

For the relief of the legal representatives of Joseph C. Boyd, (late district paymaster of the State of Maine;)

For the relief of Celestin Moreau, of Louisiana;

For the relief of Hanson Kelley;

For the relief of James Johnson;

For the relief of Napier, Rapelye, and Bennett, and Petrie, and Viell;

For the relief of Noah Smith, of Maine—as amended;

For the relief of Dean Weymouth—as amended;

For rewarding the officers and crews of two gigs or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy;

were respectively read a third time, and passed;

A bill from the Senate for the relief of the legal representatives of Andrew Mitchell, deceased, was read a third time—and then, on motion, was laid on the table.

Mr. P. P. Barbour moved to postpone the previous orders of the day, and take up a bill to allow further time to complete the issuing and locating of military land warrants.

The bill was taken up; and, on motion of Mr. Taylor, it was amended, by striking out "two" (years) and inserting "five," and it was then ordered to a third reading this day.

A bill from the Senate for the relief of Walter S. Chandler and Samuel Ward, after considerable discussion, was laid on the table.

A bill from the Senate, "to allow further time to complete the issuing and locating of military land warrants;" was read a third time, passed, and sent to the Senate.

A bill from the Senate, "confirming the claim of Peter H. Hobart and Lewis Judson," was read a third time, and laid on the table.

The following bills from the Senate—

A bill for the relief of Amasa Stetson, with an amendment;

A bill for the relief of Charles Gwynn;

A bill for the relief of the legal representatives of Firman Le Sieur;

A bill for the relief of Alfred Moore and Sterling Orgain, assignees of Morris Linsey;

A bill for the relief of Thaddeus Mayhew;

A bill for the relief of Captain Thomas Staniford;

A bill for the relief of Elijah Van Syckel, of Philadelphia;

A bill enclosing the burial ground of Christ Church, Washington Parish;

Also, the following engrossed bills, viz:

A bill for the relief of Ichabod Lord Skinner;

A bill for the relief of J. Ottremare;

A bill for the relief of Edward Evans;

A bill for the relief of Robert Brotherton; and

The bill from the Senate for the relief of the legal representatives of the late Benjamin Lincoln, David Humphreys, and Silas Griffin, were respectively considered in Committee of the Whole, and ordered to a third reading.

And the House adjourned.

Monday, May 3.

The Speaker laid before the House an attested copy of a resolution adopted by the General Assembly of the State of Pennsylvania, "approving of the declaration of the President of the United States in favor of the cause of liberty in the Western hemisphere;" which resolution was laid on the table.

Mr. Williams, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Hezekiah Langley and Benjamin M. Belt," made a detailed report thereon, recommending that the said bill be postponed indefinitely; and the bill was committed to a Committee of the Whole.

Mr. Campbell, of Ohio, from the Committee on Private Land Claims, to which was recommitted the bill confirming to the heirs and legal representatives of the late Don Miguel Esclava sundry claims to land in the city and county of Mobile, in the State of Alabama, reported the same with an amendment; which was read and agreed to; and the bill ordered to be engrossed, and read a third time to-morrow.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act declaring the consent of Congress to certain acts of the State of Alabama," reported the same without amendment, and the bill was ordered to be read a third time to-morrow.

Mr. Newton, from the Committee on Commerce, to which was referred the petition of William Kellog, made a report thereon, accompanied by a bill to authorize the issuing of a register for the schooner Five Sisters; which was read twice, and ordered to be engrossed, and read a third time, on Wednesday next.

The following engrossed bills, viz:

A bill for the relief of Robert Brotherton;

A bill for the relief of Edward Evans;

A bill for the relief of J. Ottremare;

were severally read a third time, passed, and sent to the Senate for concurrence.

The following bills from the Senate, viz:

A bill for the relief of Charles Gwynn, of Baltimore;

A bill to authorize the settlement of the accounts of Benjamin Lincoln and others;

A bill for the relief of Elijah Van Syckel, of Philadelphia;

A bill for the relief of Ichabod Lord Skinner;

A bill for enclosing the burial ground of Christ Church, Washington parish;

A bill for the benefit of Alfred Moore and Sterling Organ, assignees of Morris Linsey;

A bill for the relief of the legal representatives of Firmin Le Sieur;

A bill for the relief of Thaddeus Mayhew, as amended;

A bill for the relief of Amasa Stetson, as amended;

A bill for the relief of Captain Thomas Staniford;

were severally read a third time, passed, and returned to the Senate.

The Speaker laid before the House a letter from Thomas J. Rogers, resigning his seat as a member of this House, from the State of Pennsylvania; which was laid on the table; and it was ordered that the Governor of Pennsylvania be informed of the vacancy occasioned by this resignation.

CLAIM OF MASSACHUSETTS.

Mr. Hamilton, of South Carolina, from the Military Committee, to which was referred the

Message of the President of the United States on the claim of Massachusetts for services rendered by the militia of that State during the late war with Great Britain, made a report, accompanied by a bill "to authorize the settlement and payment of the claims of the State of Massachusetts for certain services rendered during the late war." The following is a copy of the report:

The Committee on Military Affairs, to which was referred the Message of the President of the United States, "on the claim of Massachusetts for services rendered by the militia of that State during the late war with Great Britain," beg leave most respectfully to report:

That, in considering the subject submitted to their investigation, they have been fully impressed with its intrinsic importance, and its association with events which were once the occasion of much sensibility and excitement. They trust, however, that they have approached the discussion, devoid of all prejudice, with an honest desire, in doing justice, to sustain those great principles of concord and power, which are essential to the durability of this Union.

Your committee deem it entirely unnecessary that they should recite all the circumstances comprising a history of this claim, as they are generally known to the nation, and are to be found in an authentic shape, in the documents accompanying the President's Message. To this source your committee would ask a special reference.

It will be sufficient for present purposes to premise, that a large portion of the claim of Massachusetts does not appear to be affected by those Constitutional difficulties which so long, in the consideration of the Executive of the United States, operated as an impediment to its adjustment.

Your committee are unanimously of opinion that the services rendered by the militia of Massachusetts, which may be considered beyond all exception, and as entitled to remuneration, are comprised in a class of cases in which, by the spontaneous impulse of the militia, with or without the sanction of the Executive of that State, or with or without a requisition on the part of the officer of the United States commanding the department, they assembled, either for the purpose of repelling actual invasion, or under a well founded apprehension of invasion. It is, in fact, on this principle, and on this principle only, that the claims for militia services of the various States have been audited and allowed at the Department of War. Services of this description, patriotically performed, ought not to be prejudiced by a pre-existing difference of opinion between the Executive of Massachusetts and the commanding officer of the United States forces, as to an abstract construction of the Constitution, when such a difference of opinion appears to have had no sort of effect on the extent and character of the services afforded. But, on the other hand, your committee are equally unanimous in declaring that, in all cases where the acts of the Executive of Massachusetts gave a direction to the services of the militia of that State, in opposition to the views of the General Government, the claim for such services is altogether inadmissible; for these, the government of Massachusetts may be considered to have incurred an ulterior and exclusive responsibility to her own people.

Your committee waive the discussion of the question how far the renunciation, on the part of the Executive and Legislature of the State of Massachusetts, of the unconstitutional principles on which the then Governor of that State acted, in the early stages of the war, is necessary to the allowance of any portion of the claims of the State for the services in question. These claims, when first presented for adjustment, immediately after the late war, were considered rather in the mass, than in reference to the particular items of which they are composed. In fact, at that early period, the principles on which the claims for militia services ought to be audited and allowed, were but imperfectly fixed. The subsequent presentation and examination of the claims of the several States, for such services, have shed much light on this subject, and have afforded many advantages at the present moment in examining those of Massachusetts. Distinctions, important to the elucidation of principles, and to the ascertainment of justice, have been taken, and sustained, which might naturally have been overlooked at the commencement of the discussion.

Your committee, however, cannot abstain from indulging in one remark, that, if the fact of the Government of Massachusetts having declined, for some years subsequent to the late war, to renounce the unconstitutional doctrines of her then Executive, as developed in the opinions of the judges of her supreme judicial court, can be supposed ever to have borne upon that portion of the claim which the committee have recommended for payment, the recent disavowal of her present Executive and Legislature furnishes at least a belief that all danger of a future collision between the General Government and the States, in reference to the authority of the former over the militia of the latter, has been permanently removed. In this light, the committee cannot but regard the renunciation as honorable to the Chief Magistrate and Legislature of Masachusetts, and as highly useful in fixing the true interpretation of the Constitution, on an interesting and important point. This disavowal, in consonance, as it is affirmed, with the sentiment of the great mass of the people of Massachusetts, is, indeed, a reiteration of the language which was expressed by the Senate of that State, as early as October, 1812, at the moment when the unfortunate irritation between the National and State functionaries was most exasperated, and when remuneration for these services formed neither a subject of calculation or desire.

Your committee, in conclusion, recommend that, in all cases where the militia of the State of Massachusetts were called out in conformity with the desire of an officer of the General Government, or to repel actual invasion, or under a well-founded apprehension of invasion, during the late war, the claim of the State for such militia services be allowed, under the usual rules of auditing and allowing similar claims; provided the number of troops so called out were not in undue proportion to the exigency.

Your committee likewise recommend that the claims of Massachusetts, not comprehended in the above description of cases, be disallowed. And, in conformity with the foregoing principles, ask leave to report a bill.

Mr. Hamilton moved to refer this report to a Committee of the Whole on the state of the Union.

Mr. Cobb, of Georgia, objected to this course, as giving undue preference to this over other business. He wished it to be referred in the usual course of business, for the purpose of discussion, simply to a Committee of the Whole.

Mr. **Hamilton** urged the importance of this claim, as claiming from them urgent consideration. The course which he now proposed had been pursued in regard to certain claims of the State of Georgia, and he thought the claims now reported upon were at least equally entitled to attention from the House. The misrepresentation in some cases, and misunderstanding in others, under which this claim labored, rendered it highly expedient that it should have a prompt examination, when he had no doubt of being able to satisfy the House of the expediency of providing for its liquidation, &c.

Mr. **Cobb** said he did not mean to utter a single word in opposition to the justice of this claim. It was very probable the gentleman from South Carolina might be able to convince even incredulity itself on the subject. My only objection to the proposed reference is, said Mr. C., that there is no resemblance between this case and that of the Georgia militia claims, to which, I presume, the gentleman refers; but, if there were, that the subject of those claims of Georgia is before an ordinary committee, and not a Committee of the Whole on the state of the Union. I am willing to give this claim the same direction as they have received.

Mr. **Hamilton** said, that, with regard to the Georgia militia claim he knew it had taken that direction. The claim of Georgia to which he alluded, however, was that last reported upon, respecting the Indian reservations within the limits of that State.

The question was then taken upon the motion of Mr. **Hamilton**, and decided in the negative.

On motion of Mr. **Cobb**, the report was then referred to a Committee of the Whole.

PROPOSED ADJOURNMENT.

Mr. **Taylor**, of New York, from the joint committee appointed to consider the subject of the day for terminating the present session of Congress, reported an amendment to the resolution from the Senate on that subject, proposing to substitute *the nineteenth day of May* for the day proposed by the Senate.

The question being on agreeing to the amendment thus reported—

Mr. **McLane**, of Delaware, professed himself, for one, to be unprepared to vote upon this question now, for want of the means of ascertaining what time would be required for the completion of all the necessary business before the House. Adverting to the committee appointed on Mr. Edwards's address, he remarked, that, although he should be as unwilling to institute such an investigation as any member of the House, yet, having constituted a committee for that investigation, he was, for one, unwilling to terminate the session, until it was completed. Until, therefore, he could know when that investigation would end, he could not give his consent to any proposition fixing a day for the adjournment. We shall probably have satisfactory information on this subject within a few days, and to give the House time to receive it, he would move that the report of this committee should lie on the table.

Mr. **Taylor** said, if the gentleman had intended to address an inquiry to him as to the time at which the committee of investigation might be able to report, he could only answer, that he had no information to communicate to the House on that point, except that the committee in question were actively engaged in the discharge of their duty. The joint committee had confined their inquiry and report to the *legislative* business before the House.

Mr. **McLane** here rose, and said he had not intended to direct an inquiry to the gentleman as a member of the committee of investigation—he did not think it would have been proper to do so. Believing, however, that this House ought not to fix on a day of adjournment before it finishes its proper business, he moved to lay the report on the table.

Mr. **Stevenson** wished to have it postponed to a day certain, and named Monday next, to which Mr. **McLane** assented. Mr. **Bassett**, however, renewed the motion to lay the report upon the table.

On this question, which admits of no debate, Mr. **Allen** required the yeas and nays, which were ordered and taken accordingly. There were for the motion, 101; against it, 78.

So the report was ordered to lie on the table.

OCCUPYING CLAIMANT LAWS, &c.

On motion of Mr. **Letcher**, of Kentucky, the House resolved itself into a Committee of the Whole on the state of the Union, Mr **Dwight** in the Chair, on the remonstrance addressed to the Congress of the United States, by the State of Kentucky, on the subject of the decision of the Supreme Court, in the case of Green *vs.* Biddle, involving the constitutionality of the occupying claimant laws of Kentucky, as they are usually called.

Mr. **Letcher** then submitted a proposition, in the following words:

"*Resolved,* That provision ought to be made by law, requiring, in any cause decided in the Supreme Court, in which shall be drawn in question the validity of any part of the constitution of a State, or of any act passed by the Legislature of a State, that —— justices shall concur in pronouncing such part of the said constitution or act to be invalid; and that, without the concurrence of that number of said justices, the part of the constitution, or act of the Legislature, as the case may be, so drawn in question, shall not be deemed, or holden, invalid.

"*Resolved,* That the justices aforesaid, in pronouncing their judgment in any such cause, as aforesaid, ought to be required, by law, to give their opinions, with their respective reasons therefor, separately and distinctly, if the judgment of the Court be against the validity of the part of the constitution or act drawn in question, as aforesaid.

"*Resolved,* That the Committee on the Judiciary be instructed to report a bill in conformity to the preceding resolutions."

Mr. **Letcher** observed that, in the much celebrated and never to be forgotten case of Green *vs.* Biddle, the judgment pronounced and the principles decided by the Supreme Court of the United

States, had given great alarm to the people of Kentucky. As that was a case which bore upon the present question, and which, indeed, had immediately led to the resolutions and memorial now before the committee, it might not be irrelevant for him to take a very brief review of it.

He did not intend, he said, to make a tedious law argument; he would, however, suggest, in the threshold, if any gentleman, from Virginia or elsewhere, felt the slightest wish to attempt to maintain that decision as correct, upon any of the well-settled doctrines of the law, without wishing to be understood as using language of a gasconading character, he would say, the limited delegation from Kentucky were ready, at any time, and before any tribunal, to meet them.

In the year 1789, Kentucky, then an integral part of Virginia, and being desirous of becoming an independent State of the Federal Union, entered into a compact with Virginia, with a view to a separation for that end. It consisted of eight articles; one of which was drawn into dispute in the case to which he had alluded; and the decision of the Supreme Court upon it, had virtually declared that Kentucky, although nominally a sovereign and free State, has, nevertheless, no legislative jurisdiction over her own soil. She is a sovereign State; but yet has no power to pass any law for the aid, the convenience, the comfort, and the protection, of her own citizens. This decision, the people of Kentucky had viewed as a most ruinous and extraordinary one; and it is only because they have entertained the liveliest hope that the case still admits of some remedy, that a greater excitement has not prevailed.

But what, said Mr. L., are the laws of Kentucky, which that decision has pronounced a violation of the compact, and therefore unconstitutional? and what were the circumstances under which they were enacted? The first act of the Kentucky Legislature passed in the year 1797, the second in 1812. Each had for its object, in case of his eviction, by a paramount title, to secure to the occupant, who had settled upon the land in good faith, believing it to be his own, and who had made valuable improvements upon the same, a reasonable compensation for those improvements.

The necessity of these several laws grew out of the condition of the country. The early settlers of the State had to contend with the most complicated and appalling difficulties. They had not only to encounter every species of toil, of peril, and of suffering, incident to the settlement of an unexplored wilderness, but they had to struggle with a formidable and savage foe, in a war of ten years' duration. When, sir, they had conquered this enemy, and in some small degree begun to enjoy the fruits of their efforts, innumerable claims were set up to the land, which they had first conquered and then defended; claims which grew out of the mistaken policy, not of Kentucky, but Virginia. That policy had literally covered the country over and over again with a great variety of conflicting claims. These adverse claims necessarily occasioned, to the first settlers, the greatest distress, and trouble, and litigation. The early adventurer to the country, who had experienced every sort of privation, was very illy requited for his boldness, his industry, and his enterprise. Just after he had been able to obtain a good tract of land, to build houses, to clear fields, with the most flattering prospects before him of providing for a dependent family; at the moment he was prepared for the enjoyment of quiet and repose, suddenly he found himself expelled from the possession of the very farm he had been laboring to improve; with nothing left him, but the privilege of buying and improving another place, and again losing it at law, without the most distant hope of compensation for his labor thus employed upon it. Such was the melancholy condition of the first settlers in Kentucky. This state of things brought about the injurious practice of buying and selling every sort of land claim, some real, others fictitious; of alarming the ignorant and illiterate; of extorting money for a compromise; of swindling, in all its various moods and tenses—in short, sir, of creating a system of speculation, of fraud, and oppression, from the effects of which we shall never, I fear, be able, to get entirely rid. The existence of such afflicting evils required a speedy remedy; that remedy was the immediate passage of the law of 1797. It was a just and beneficent law, imperiously called for by existing circumstances, demanded by every consideration of justice, and most salutary in its operation. It is a duty, said Mr. L. which every Government owes to each and all its citizens, to furnish every means in its power to diffuse among them happiness, contentment, and equal rights—to reward industry, by protecting every one in the free enjoyment of the benefits of his own labor, and to prevent the cunning and the idle part of the community from fattening upon the proceeds of their neighbors' hard earnings. The Legislature of Kentucky, therefore, in the enaction of those laws, acted correctly, if they were not already precluded from the rights of legislation over the soil of the State, by the terms of the compact. Now, what are the provisions of this compact, which bear upon this question, and which, in the opinion of the court, amount to a consent upon the part of Kentucky never to exercise legislative rights in connexion with her freehold?

The third article, to which the court refers, in exclusion of the residue, to maintain the correctness of their opinion, is in the following words: "That all private rights and interests of lands 'within the said district, derived from the laws of 'Virginia, prior to such separation, shall remain 'valid and secure, under the laws of the proposed 'State, and shall be determined by the laws now 'existing in this State."

To understand correctly the meaning of the words expressed in the foregoing provision, by the contracting parties, it becomes important to look to the relative condition of each, and to ascertain the contemplated object of the contract. Kentucky, unprotected and unaided, had experienced all the fortunes and all the horrors of an Indian war. She had waded through her troubles, had been weighed in the balance, and not found wanting; had borne down every opposing obstacle, and proved herself worthy of enjoying all the blessings, the privileges, and immunities, of a free and sovereign State. She petitioned Virginia to aid her in obtaining them. Virginia was ready, willing, and anxious to render her every facility. All the feelings of Virginia towards her were of the most partial and benevolent character; she felt as a parent to a child. Indeed, there existed mutual affection; each understood well the situation of the other. In this state of things, they made the compact. The object was—what? Why, to enable Kentucky to set up for herself; to confer upon her the right of enacting laws to suit her condition; to adopt such regulations as were most conducive to her own interest, and to superintend her own internal affairs in a manner most agreeable to her own will, free from any and every control of the mother country.

How, then, are you to interpret the words of the stipulation just referred to? The first and best rule is, to use as much common sense as you can well employ, in giving a construction to any contract, and to lay aside the doctrine of "construction construed;" to crowd in as few artificial, unmeaning distinctions, as possible; and to endeavor to ascertain the fair meaning of the parties, as expressed by the words of the contract.

"That private rights and interests, &c., derived from the laws of Virginia, &c., shall remain valid aad secure," &c. What was the nature of those private rights here agreed to be made secure? They were rights and interests of an imperfect character, such as surveys, warrants, entries, &c., which were preparatory to obtaining a grant or patent from the Government; not absolute rights, which had been made complete by the emanation of grants; for this obvious reason: the latter class required no agreement to make them valid and secure; they were already as much so as they could be, even with the strongest provisions—they were vested rights. It would, therefore, be at once saying that neither of the parties to the aforesaid instrument understood what they were doing, to suppose they would have engaged in a serious negotiation to guard against an evil which could could not happen. "Rights derived from the laws of Virginia," &c. The term "laws of Virginia," as here used, as understood by both parties, as understood in common usage, meant nothing more nor less than the statute laws of Virginia, as contradistinguished from the statute and common laws of England—the acts of the Virginia Assembly, which had from time to time been enacted, creating rights of various kinds, such as poor rights, settlement and pre-emption rights, village rights, military rights, &c. Under these Virginia statutes, many of the citizens of Virginia had become interested, to a considerable extent, in inchoate rights to lands in Kentucky, which grew out of this course of legislation. Virginia, therefore, felt anxious (and very justly too) to make a provision of this kind, to enable those who had, under the several acts aforesaid, vested capital in the purchase of these lands, and whose rights were incomplete, to have them made secure; and Kentucky, willing also that Virginia should act a faithful part towards her own citizens, agreed to the aforesaid article; the meaning of which is, that she, (Kentucky,) on her part, would pass no law which would destroy those inchoate, equitable rights, created by the State of Virginia; that she would present no obstacles in the way to prevent their ultimate perfection. Sir, the term "laws of Virginia," is still understood in Kentucky, and Virginia also, up to the present period, in legal as well as common style, to apply distinctly and exclusively to the Virginia code of laws, without the slightest connexion with or dependence upon the common law of England. The parties, therefore, who draughted this compact, never once thought of including the common law. If such had been their object, it was very easy, by the use of a single expression, to have made a declaration to that effect. But the principles of the common law could not very well apply to the situation of the country. To prove, however, that the interpretation given by the court of the clause to which I have alluded is wholly erroneous; we have but to look a little further into this compact, and examine for a moment the fourth stipulation. What does it declare?

"That the lands within the proposed State, of non-resident proprietors, shall not in any case be taxed higher than the lands of residents, at any time prior to the admission of the proposed State to a vote, by its delegates in Congress, when such non-residents reside out of the United States; nor at any time, either before or after such admission, where such non-residents reside within this commonwealth, within which this stipulation shall be reciprocal; or where such non-residents reside within any other of the United States, which shall declare the same to be reciprocal within its limits; nor shall a neglect of cultivation or improvement of any land within either the proposed State or this Commonwealth, belonging to non-residents, citizens of the other, subject such non-residents to forfeiture, or other penalty, within the term of six years, after the admission of the said State into the Federal Union."

The second rule of construing a contract, (if not already laid down by legal writers, for the guidance of judges, ought to be,) is, *to examine the whole of it;* to see if all the parts will harmonize, and to look into the consequences, which will of necessity result by this or that mode of construction; and to ascertain, by such and such interpretation, whether the object of the contractors is or is not defeated. This second rule has been entirely overlooked by the court in pronouncing their decision; the fourth article makes no sort of figure whatever in the opinion delivered; and, by *construction*, one might presume they did not see it. It is however, very clearly expressed by this clause of the contract, that Kentucky, after the expiration of six years, for a failure upon the part of non-residents to cultivate or improve any of the land within her boundary, belonging to them, might properly and justly subject such lands to forfeiture, or might affix any other penalty she, in her sound discretion, should think fit.

Now, sir, a question necessarily presents itself, not for the consideration of the Supreme Court, for they have made their final decision—Are those occupant laws as rigid, as severe, as hard, in their operation against non-residents, as a law creating forfeiture of land, in pursuance of the power unquestionably given to Kentucky, in the foregoing clause? Surely not. Kentucky, then, for adopting the measures which she has done to protect her citizens, has manifested a greater forbearance in relation to non-residents than the court has given her credit for. She has refused to extend her powers of legislation, so as at once to put an end to all controversies, with which she has been so much oppressed.

Mr. Chairman, said Mr. L., the construction given by the court to the third article of the compact is wholly inconsistent with the stipulations contained in the fourth. It renders the latter null and void. It defeats the very object and purpose which each of the contracting parties had in view. It confers all the benefits of the agreement upon one side, without any corresponding advantage on the other; one party gets all, the other nothing. Such was not the wish and understanding of those who formed the agreement. In a few years after its date, the first occupant law, it will be seen, was adopted by Kentucky. Her course of policy was not a matter of secrecy; Virginia was apprized of it, and fully acquiesced in its justice. No murmuring or complaining is heard of. Had then the course of legislation upon the part of Kentucky have been so highly unjust—so entirely in opposition to her agreement—is it not fair to presume, when the whole subject was fresh in the recollection of all, that some dissatisfaction would have displayed itself? No official communication, however, is sent to Kentucky, alleging a breach of faith. Again, in confirmation of the right to pass these several laws, we have a long course of legal decision, by the inferior and appellate courts, for the last twenty-five years; by judges, too, whose firmness, intelligence, and legal acquirements, are in no manner lessened in consequence of the Supreme Court's declaration, in this same opinion, that the Kentucky courts may have made such and such decisions, but they had never seen them. These judges, whose decisions are treated so cavalierly, sir, (it might be said in strict truth) would not fear a comparison of legal skill, even with their *Supreme Honors*. We have, sir, in support of our laws, our Legislature, our lawyers, our judges. Indeed, more—we have the disinterested and concurrent testimony of other gentlemen, not citizens of the West, high, very high, in legal reputation, who are practitioners before the same court, most decidedly upon our side of the question.

Now, Mr. Chairman, look for one moment to the effects and consequences of the construction contended for by the court. Kentucky comes into the Union—how? Possessed of equal rights and privileges with the other sovereign States? No; a mere appendage; in no better situation than when a district, without the ability of regulating her own internal concerns. Her expectation was to be ranked among her sister States as an equal. But, how wofully has she been disappointed! Now, she is told, for the first time, she surrendered and relinquished all pretensions of that sort long since. *Construction* brings about all this. Yes, construction! Its mighty powers are irresistible; it bears down every thing before it; it creates new principles; it infuses the spirit of the common law into a contract, against the will of both parties; it destroys laws long since established; and it is daily acquiring new strength. From this case, and others to which reference might be made, the result is plain, that, unless some regulation is made, and some necessary and salutary restraints are adopted, the Supreme Court, by its extensive jurisdiction, as it now exists, will finally draw into its vortex all State authorities.

My proposition, Mr. Chairman, is not of a mere theoretic and speculative character. It introduces no new and dangerous principle. If you desire to amend your Constitution, it cannot be done unless by a concurrence of two-thirds of all the States. If, upon the passage of any bill upon your table, the President of the United States chooses, in the exercise of his Constitutional privilege, to put *his veto* upon it, what is the result? It is returned with the objections, and cannot be incorporated into your statute book, as a law, without a majority of two-thirds of both Houses concur in declaring it shall be. But a minority of your Judiciary, upon the most solemn and important questions, involving the rights, the interests, and prosperity, of a whole community, can so expound laws and constitutions, as to prostrate all State rights! This, sir, most certainly is an evil which may be remedied by judicious and prudent legislation. It is an evil which is growing rapidly, and which, if not checked, will produce very serious discontent.

Sir, said Mr. L., the resolutions which I have the honor of presenting for the consideration of this Committee, cannot, I apprehend, endanger the dignity or importance of the judges. Their firmness will not be weakened; their intelligence will not be affected; their reputation will not be impaired by their passage. I would agree to no proposition which had for its object such results. It is indispensably necessary, in every well regulated Government, to have the most enlightened judiciary, prepared at all times to do their duty, without fear, favor, or affection. A timid, time-serving court, in any country, is worse than a nuisance. But, sir, in legislating upon this subject, let it not be forgotten that judges, at last, are but men; perfection and infallibility are properties which do not attach to them. Let us, therefore, increase the chances of a correct decision upon such occasions as are embraced by the resolutions, by requiring five to concur.

Mr. Chairman, how does the matter stand, according to the present state of facts? You have now seven Judges upon the Supreme Bench; four constitute a quorum. Say three are absent, upon some Constitutional question which comes before that tribunal, vitally important. The arguments are heard; three *concur* in declaring the law unconstitutional—*one dissents*. The judgment of the court below is reversed. A decision is obtained in this way by a *minority*. One of the judges writes his opinion, and two hear it read, perhaps, say *agreed*, as *we* often do, in this House, without knowing the question—more for the sake of form than substance. Their decision goes out, is published, and is received by the State courts, as binding authority. Suppose, at the next term, all the judges are present—a similar question is again before the court; the absentees concur with the one judge who dissented upon the former occasion. What, then, is the consequence? You have two contradictory decisions in relation to the same subject matter—both sent out as a sound exposition of Constitutional law, as precedents for the country. One decision determines A shall have this property; another declares B, whose cause was precisely such a one as A's, shall not recover in his case. Thus stood the cause from Kentucky; four judges present—three concurred in believing the laws involved in the controversy were against that clause of the Constitution of the United States, which declares, among other things, that no law, impairing the obligation of a contract, shall be passed. One dissented. Try the weight of intellectual authorities pro and con; put them in the scales—which will preponderate? The judge who dissents, most assuredly is at least equal to one of the three who concurs in the decision. There are then two left in the balance. I will not stop to inquire whether they were likely to understand the kind of case submitted to their consideration, involving intricate doctrines, in relation to a species of land titles with which they were in nowise very familiar. Let it be conceded, for the sake of argument, that they deserve to be ranked amongst the most enlightened jurists of the country—you cannot, however, make more than two upon that side of the question. Look to the opposite scale—and what have we? The Legislature of a whole State, year after year, have asserted, in the most unqualified manner, their Constitutional right to enact these laws. They so decided, upon mature deliberation, not influenced by excitement. All the judges of all the courts have, by a long course of decision, without exception, maintained the same power; they have done so, after having repeatedly given to the subject the fullest investigation. Two Judges of the Supreme Court, strangers, in every sense of the word, to the subject, have asserted no such right existed. Upon whose decision would you place most reliance? Which is entitled to the greatest share of confidence—that of the two, or the collected wisdom of a whole State, both of the political and the legal kind? Which, under all the circumstances, is most likely to be correct? The answer is by no means perplexing. One leading principle, in all our institutions, is, that a minority in the exercise of any official duties shall not control. But, in this instance, there is a departure from the rule; a minority has given an exposition of the Constitution, upon a question of the first magnitude, which is to be acknowledged by all as correct doctrine, and treated accordingly. Can this be right? Is it according to the spirit and genius of our Government? But what is there objectionable in requiring five to concur, before any law of a State shall be held null and void? There is more safety in such a regulation than to leave it as it now stands. You may rest assured, sir, the States would be much better satisfied with a decision unfavorable to their laws by five judges than by two or three; and, should it become the duty of the court, in the administration of justice, to make such decisions, five will not hesitate to do it. There is little or no danger of the judges of the Supreme Court being under the influence of the several States. The danger is altogether upon the other side. They are not dependent upon the States for their office, or the emoluments of it. No reason does or can exist, therefore, to suppose that the judges of this court ever did, or ever will, lean in favor of the States, against the General Government.

A gentleman near me, Mr. Chairman, whose opinions and suggestions at all times, in this House and elsewhere, deserve the highest consideration, will allow me to correct his misapprehensions. In a whisper, loud enough to be heard, he fears that great harm might grow out of the proposed resolutions, and that they are a Kentucky project. If great injury would be likely to ensue by their adoption, I should think it could be made manifest by argument. Let the dangers be pointed out. Let us see whether the evil which is likely to happen is equal to that now in existence. The gentleman will find some difficulty in proving that all is right; that a minority of the court should decide any question, and that nothing ought to be done. I will hear him with great pleasure. Perhaps he can remove every difficulty. We have "already lost the land;" we have nothing left but the argument, and we may lose that also.

Why, sir, is this called a Kentucky project? It is not to have a mere local operation. It is not to be limited to any particular place. It is general in its character; it applies to the whole nation; it is co-extensive with the existence of the evil, and is intended as a remedy. It is true, Kentucky feels an anxious solicitude upon the subject; not from local and selfish considerations, but from a most thorough conviction that the General Government is greatly interested in the adoption of some measure in relation to the Supreme Court.

I am sorry, sir, that almost every measure which has been brought before this House, for some months past, is emphatically styled "the Kentucky policy—the Kentucky measure." These local distinctions had much better be avoided; they are not pleasant. They have no good effect, particularly when uttered in connexion with marked indications of malice and hatred against a whole people. The gentleman from Virginia (Mr. RANDOLPH) has, from the commencement of this session, and more especially in a very recent debate, manifested a strong spirit of this sectional sort. He has sought every possible occasion to pour forth his gall and bitterness, and to display his wit, against the people beyond the mountains.

He has given to this House a most ludicrous description of their dress, their appearance, their manners, and their habits. He has taken peculiar pleasure in attempting to exhibit them before this nation as uncivilized savages, rather than as American citizens. I must, said Mr. L., take the liberty of declaring to that gentleman that he is most grossly and inexcusably ignorant of the character, the feelings, the intelligence, and the habits, of the Western people. Sir, with the utmost frankness, I admit, their external appearance is not the most fashionable and elegant kind; they are not decorated in all the style, the gaiety, and the taste, of a dandy of the first water. Their means are too limited, and their discretion is too great, I trust, for the indulgence of such foppery and extravagance. The fact is, a dandy is not a character in great demand, with either sex, in our country; and when, by chance, one happens to go there, even with his slender share of intellect, he soon discovers *that* is not the proper theatre for him to acquire glory and renown, and accordingly he makes his exit suddenly. I concede, also, that the Kentuckians, in the general, would not make a brilliant figure at a levee or drawing-room. Their bows would not be quite so obsequious, their smiles not quite so fascinating, their manners not quite so refined, as the orders in council or etiquette of the day might demand. They have not acquired that gracefulness of action, that ease of deportment, that elegance of accomplishment, so as to make you three bows in two seconds; nor have their representatives acquired never-fading laurels for their proficiency in that great science. The people of our country do not attach the least importance to beings entirely lost in admiration of themselves, and devotion to personal appearance. Such trifling follies they leave to the weak; to those who can do nothing else, and who have the means of indulging in a taste so illy directed, and so little envied. Let those, sir, who have a pride of that kind, enjoy, to the fullest extent, all its charms, and all its consequence.

Again, we are told these bear-hunters, these fellows with their leather leggings, rifle guns, and moccasins, get every thing they ask for; but not being contented, wish to control the whole political concerns, and to direct the destinies of this nation. Why, sir, are such unfounded and illiberal assertions made, in relation to the people of the West? What fact have you to authorize such imputations? Who, from that quarter of the country, ever attempted to manage every thing, to direct every thing, and require every thing? Ah, sir, there was a time—I hate to think of it; it is with most painful and unfeigned reluctance, I can bring myself to allude to it—there was a time, however, when it would have been better for this nation if these backwoodsmen could have had a little more direction in the management of your military operations in this quarter. Perhaps you have some faint recollection of the time when a few of His Majesty's troops travelled a distance of fifty miles, over broken ground, and through thick woods, burnt your Capitol, made your palace soldiers' quarters, and compelled your citizens to abandon their habitations, and to seek a shelter in the distant woods. That was the very time, sir, when five hundred of those persons, who have been made the subject of ridicule, and who are stigmatized with the epithet of the moccasin gentry, and hunting-shirt gentlemen, would have won for themselves imperishable fame; would have saved millions of money to your country; yes, and would have saved, also, your national honor.

But, sir, said Mr. L., it is not to the exterior of men we should look. Fortune affords advantages which may enable one to appear well, when, in truth, there is nothing worthy of admiration. It is the conduct, the deportment, the principles of men, we should examine. Will the people of the West, will Kentuckians, fear an examination of this sort? Can they not undergo the most strict scrutiny as citizens, as patriots, always prepared to present themselves at their country's call; ready, upon all occasions, to afford the most prompt and timely assistance, when that assistance is required? Who can boast of a preference over them? Of the past, however, I will not speak. I will not make disagreeable and invidious comparisons. Let the firmness, the valor, the suffering, of the people of the West, during our recent conflict, be forgotten. Say nothing of the laurels which they won in battle; say nothing of the many patient feats of starvation they endured, without a murmur. Withhold, if you choose, the gratitude of the nation; but I beg of you to do justice to their private virtues, to allow them, at least, a character for integrity of motive, for benevolence of heart, for hospitality of conduct. Suffer me, sir, to tell you, these Kentuckians, who have been treated in the debates with so much unkindness, are about the very finest fellows in this Government. I make no exceptions. Try them in any way you may select, and you will readily acquiesce in the truth of my assertion. Their hospitality is without ostentation, without parade, without hypocrisy; it is not contaminated, and I trust never will be, by the fashionable vices which might be enumerated, as the tip of the *ton* in some other places. If a Kentuckian meets you, gives you a hearty shake of the hand, and says, "Sir, I am very happy to see you," he tells you the truth; he utters not the commonplace, unmeaning compliments; he speaks the language of his heart. If he make declarations of friendship, you may believe him. If you visit him, there is no waiter to meet you at the door, and avow his master is not at home, when he is actually in the house; and should you spend a few hours unceremoniously with him and his family, in social conversation, so soon as you retire, he will not say, after pressing you to make it convenient to call and see him again, "Oh! what a tiresome visitor; I was never more out of patience in all my life; such another visit would really kill me; I hope he will never come again." And, after you are gone, your reputation is not assailed. No; these wise and happy inventions are unknown to the people of the West. I wish I could use the same remark in relation to the people every where else. Why, sir, you may visit the humblest cottage in our country, and you will find every thing to admire. So soon as the faithful dog, by his saluting bark, announces that a stranger is coming, your astonishment would commence; you would have the singular felicity of beholding a most delightful spectacle—about twelve or thirteen fine, ruddy, well-formed, hearty-looking young *Democrats*, would run out to see the stranger; and upon entering the house, you would be met by a very plain, unaffected woman, to all appearance about thirty years old, whose countenance would at once tell you to make yourself easy; you would meet with kindness, and, in casting your eyes around, you would see two more little fellows, who were too small to run out at the first alarm. Presently, would come from the labors of the day, an honest, good-looking man, to rest himself awhile in the bosom of his family, dressed, sir, not in fine ruffles and broadcloth, with powdered hair, but in good, substantial, plain clothes, manufactured by the industry of his wife; and, upon entering into conversation with him, an ample theme for reflection would be afforded; you would wonder how one in his humble station could have known so much, upon so many subjects, with such limited opportunities. You might here see a model worthy of admiration, indeed, of imitation—conjugal felicity, parental and filial affection, undivided and unfettered. And here, too, the philosopher, as well as the statesman, might learn some useful and practical lessons. In some short time, you would find a repast set before you, if not of all the niceties, and luxuries, and parade, which are to be met with elsewhere, of good plain wholesome diet, among which would be one of the most pleasant dishes that can possibly be prepared in any country, and that is, a hearty, sincere welcome, without apologies and without price. Sir, these are the very citizens of whom the nation ought to be proud, They constitute the bone, and sinew, and strength, of your Government. In the hour of peril and danger, they are always ready to rally around the standard of their country. Call upon them to maintain the honor of the nation, to defend her rights, they set up no Constitutional scruples, in answer to your call, *about crossing boundary lines!*

Such are the people of the West, the people of Kentucky; and such are those whom our State, by the exercise of her legitimate rights of legislation, has attempted to shield, and protect, from the iron grasp of the land speculator. Are they not entitled, from every consideration, to the kind attention of the Government? These, sir, are the people for whom our occupant law was enacted. Do they not deserve the protection of their Government? What man is there, who could stand by, without exclaiming, "This is not 'right, to unhouse such families as these, take from 'them their little improvement, and proclaim—'go hence; what you have labored for, I will enjoy."

Again, sir, we are told, such are the extraordinary demands of the people of the West, who have swallowed up all the loaves and fishes, such are their repeated claims there is no such thing as tolerating them—"like sturdy beggars, they will take no denial;"—that rebellion must be the ultimate consequence. For myself, I protest against this mode of legislation; this display of sectional feeling; of crying out to one part of the Union' "You get every thing—we get nothing; the Government is kind to you, careful of your interests, whilst ours is neglected, overlooked, and forgotten." Sir, these suggestions and assertions, so far as the West is concerned, are not true. What have we ever received from the fostering hand of the Government? Point out the single instance. Yes, the public lands, it is said, were sold for our accommodation. But who got the money? It all came into your coffers; we never have enjoyed the benefit of a single copper. But, we are told, the Government has been good enough to suffer us to enjoy the privileges of a mail. A mighty privilege, indeed! one for which we ought, in humble submission, with bended knees, to acknowledge the most unbounded gratitude, for your very great condescension. What news do you send to the West by these mails? Very good, I hope. No, sir; doleful, melancholy tidings are conveyed to them weekly. You bid them be industrious, labor hard—you have more demands against them—your account is already very great; but you are going on every day to make it still more enormous: eight hundred thousand dollars to be appropriated to the erection of fortifications—where? not in the West, but in the East—$250,000 to be added for this purpose—$200,000 for that purpose; and $100,000 to be paid out of the public Treasury, to one gentleman, for his patriotism. This is the kind of news you send them by your mails. But, sir, do you ever tell them of any public moneys to be expended in the West? No, sir; no such letter in your statute book; no one there gets $100,000 more than he ought to have, for services rendered in the late war. But you say, all this is so very oppressive, it is not to be borne—rebellion rather than oppression. Why, sir, we should like very much that sort of oppression, of enjoying all the public expenditures. It would be quite comfortable. If you must have rebellion, suffer me to tell you, you had better travel any other road than over the mountains. In the language of the gentleman from Virginia, it would be a stumpy road.

But, Mr. Chairman, this is a most fruitless and unpleasant topic; and really there is no apology for its introduction into the debates of this House, under any circumstances whatever. And why it should make a figure so often, in reference to the West, I am at a loss to perceive. No national or individual advantage is likely to flow from its discussion. If any gentleman, sir, is so mad as to suppose, by the use of such idle threats, his dignity or his importance is enhanced in the estimation of the country, the sooner he is restored to his right reason, the better. He adds nothing to his reputation as a statesman, or to the goodness of his heart as a citizen. I hope never to hear another allusion, in this House, to that subject; for, let it be understood, by these presents, that we, the people of the West, will never suffer any rebellion to take place. There is not the most distant prospect of it; the declaration of the gentleman from Virginia, (Mr. R.) to the contrary notwithstanding. I do not see that gentleman, at this moment, in his seat. I regret his absence. I had a particular desire, sir, to tender him my best respects, for the many kind civilities he has, voluntarily, paid to the people I have the honor, in part, to represent. His polite attention shall not go unrewarded. I hope to have the pleasure, upon some suitable occasion, in my awkward way, to acknowledge the great debt of gratitude which is so justly due to that gentleman.

Mr. **Forsyth** offered the following amendment, as a substitute to the first of the above resolutions:

Resolved, That a quorum of the Supreme Court, to transact the business of that tribunal, should consist of such a number of the Justices composing it, that a majority of the quorum shall be a majority of the whole court, including the Chief Justice.

Mr. **Forsyth** supported his motion in a short speech; and Messrs. **Wickliffe**, **Clay**, **Forsyth**, **Webster**, **Mercer**, **P. P. Barbour**, **Randolph**, and **Trimble**, respectively, spoke at considerable length on the question.

Mr. **Wickliffe** addressed the Committee, in substance, as follows:

Mr. Chairman: The subject is an important one; and, on that account alone, I hope to engage the attention of the Committee in its discussion. Some of the friends of the measure on your table, were inclined not now to press it, under the belief that the time was unfavorable to the full and free discussion which its magnitude demanded. The duty of those, charged by the remonstrance, with its presentation here, required, at their hands, an effort, in furtherance of the views of the Legislature of Kentucky; and I am gratified to discover a wish in the Committee that the debate should now progress.

The character of this question, which proposes an important modification in the Judiciary act; the deep interest which one of the States feels upon the occasion; require of Congress an indulgent, and, I hope, a favorable consideration of the resolutions submitted by my colleague, (Mr. **Letcher**.) Were it a subject in which the State of Kentucky was alone interested, her representatives on this floor would regard the determination of the Committee now to progress with its discussion, more an act of kindness to them, than a matter of right. But it is one involving a principle of vital importance to the whole Union; and, although presented to us by a single State, (inferior to none in the practice and support of Republican principles,) it demands of Congress a dispassionate deliberation.

I will not unnecessarily consume your time, and I hope not to exhaust your patience, whilst I endeavor, in a few words, to call your attention to the true character of the question, presented by the remonstrance and resolutions now before us.

It may not be improper, in order to arrive at that object, to state some of the causes which have brought them into existence, and forced them upon our attention. You are informed, by the memorial of the Legislature of Kentucky, accompanied by the decision of the Supreme Court of the United States, (of which it complains,) that the power of that State to pass certain laws, denominated the Occupying Claimant Laws, is denied by that court; that they violate the compact between the States of Virginia and Kentucky; and, therefore, impugn the 10th section of the 1st article of the Constitution of the United States, which declares, among other things, "That no State shall pass any law impairing the obligation of contracts." A question naturally presents itself to the mind of every person unacquainted with the history of Kentucky and her internal police: "Are these laws of such mighty importance as to call forth, in strong language, the feelings of the Legislature? Are the principles settled by the case of Green and Biddle, and the evils which flow from that decision, such, that the Legislature of Kentucky cannot, by some modification of the laws in question, avert or palliate them?" I answer, Yes; such is their character. They are laws rendered necessary to the prosperity and happiness of the State, by the fatal policy pursued by Virginia, in the disposition of her vacant lands, in the then district of Kentucky. And if the court be correct, to the extent of the principles assumed in that opinion, no legislative aid, no change or modification of these laws, can avert or palliate the miseries which must inevitably ensue. The people, in the exercise of their high and sovereign powers in convention, cannot rid themselves of the effects of the principle settled by the Supreme Court; which principle is fixed like an incubus upon the rights of the State. We can do nothing but present our grievance before you; point to the injury which has been inflicted; and beseech you to adopt the measure on your table, and thereby strengthen the ramparts of State sovereignty. It is by the preservation of legitimate State rights, that you give the best security to the stability and happiness of this Union.

I said, sir, these laws were rendered necessary to the prosperity and happiness of the citizens of Kentucky, by the misguided policy of Virginia; a policy ruinous but liberal, benevolent and patriotic in its objects. With the exception of the delegation of Virginia and Kentucky, but few, if indeed any, of the members of this House are acquainted with the mode by which lands were acquired, and are now held, in the latter State. Prior to the Revolution, large portions of those lands were granted by the Crown to the officers of the army engaged in the French and Indian wars, which preceded the Declaration of Independence. Toward the close of the Revolution, many persons, as if in quest of danger, penetrated the wilderness; and after many dire struggles with the savages for empire, maintained with loss of much blood their infant settlements. Virginia, (in a spirit of justice to her creditors, and in fulfilment of that pledge of public faith of which she has always been proudly tenacious,) after securing to the early adventurers and settlers in Kentucky, what are called "settlement and pre-emption rights, poor-rights, and corn-rights;" (terms well understood by the citizens of Kentucky,) opened her land office, 1779-80; and by it she poured out the contents of a Pandora's box upon the ill-fated inhabitants of the State. By the provision of the land law of 1779, warrants for land were issued to any and every person, upon the payment of the State price in the paper currency of Virginia. The proprietors of these warrants were required to locate the same by an entry in the surveyor's books, with such certainty and precision, that each subsequent locator, in like manner, could appropriate the adjacent residuum. I am certainly correct when I tell you, that warrants for three times the quantity of vacant land, then owned by Virginia, in the district of Kentucky, were issued. In many districts of country in Kentucky, I have known to exist there, four, five, and six, distinct adversary claims to the same tract of land. Hence the phrase, in frequent use, "that Kentucky is shingled with land claims." Many of these claims were settled by the original proprietors and first adventurers to that country; men who had to contend with dangers, and endure sufferings, not easily to be imagined by the present population; and more easily conceived than described by those who witnessed and participated in them.

In this state of things, removed at a great distance from the seat of government in Virginia, laboring under difficulties and embarrassments, which were not felt and duly appreciated by the great body of the people of Virginia, the citizens of the then district of Kentucky petitioned the Legislature of Virginia to permit them to become a free and sovereign State. The politicians who filled the public councils of the State, at that period, upon becoming more intimately acquainted with the wants, interests, and difficulties of the people of Kentucky, were satisfied that their future happiness and prosperity depended upon the favorable issue of their application.

In 1789, a law passed the Legislature prescribing the conditions upon which this new government was to be established. This is what is termed, in the decision of the Supreme Court, "The compact with Virginia." By the seventh section of that compact, it is provided that all private rights and interests of lands within the proposed district, derived from the laws of Virginia, prior to such separation, shall remain valid and secure under the laws of the proposed State, and shall be determined by the laws now in existence in this State.

The latter clause of the eighth section reads as follows: "Nor shall a neglect of cultivation or 'improvement of any land within the proposed 'State, or this Commonwealth, belonging to non-'resident citizens of the other, subject such non-'residents to forfeiture, or other penalty, within 'the term of six years after the admission of the 'said State into the Federal Union." These are, substantially, the only parts of the compact which have any connexion with the present subject. This compact is made a part of the constitution of Kentucky. The Supreme Court, in their opinion, do not decide upon it as a part of the constitution of the State, but as a contract between the State of Virginia and the State of Kentucky. Whether this act of the Virginia Legislature can be denominated a contract, within the meaning and purview of the tenth section of the first article of the Constitution of the United States, which prohibits "a State from passing laws impairing the obligation of contracts," is a question I leave for others to decide. It is not necessary for my purpose that I should here discuss it. Virginia, at the date of the compact, had no statutory provision similar to the occupying claimant laws of Kentucky. She had not then felt the necessity of them—circumstances since that time have made it necessary for her to protect the occupants of her land, under a practice adopted by her courts, not very unlike the laws of Kentucky. I believe many States in the Union have been compelled to resort to such laws. As early as 1796, Kentucky commenced her legislation upon this subject. Her best and wisest statesmen projected and approved the law which was then enacted. This law provides, in substance, that if any person shall peaceably, and in good faith, seat and improve land, to which he shall have a title derived from the Commonwealth, upon eviction therefrom, by a paramount title, he shall be paid for all valuable and lasting improvements which he shall have made upon the land before notice of the adversary claim, and subjects the occupant to the payment of rents and profits, after suit brought; and also compels him to account for all waste, &c., committed upon the land; and to pay for the deterioration of soil. Is there any thing unjust or iniquitous in this law? I answer, no. It received the sanction of the courts of Kentucky, and was acquiesced in by all classes of her citizens. There was no murmuring, no denial of the power in this State, to legislate upon the subject, from 1796 to 1811 and 1812, at which period the act of 1796 was repealed, and that of 1812 passed. Then it was, for the first time, I believe, made a question of Constitutional power in the State. The law, however, passed, not without a violent opposition, by a respectable and intelligent minority, who, I believe, were governed more in the opposition, by the question of policy and expediency, than Constitutional power.

It is due to candor to state this law did not receive the sanction of the Governor of the State. It was suspended for twelve months. Its principles were the subject of free and full discussion before the people; and at the succeeding Legislature it was passed by a Constitutional majority of both branches, the Governor's objection notwithstanding.

This latter act exempts the occupant from the payment of rents and profits, until after judgment of eviction or decree shall be pronounced against him. It compels the successful claimant to pay the cost of seating and improving the land; and moreover provides, that, if the valuation of the improvements shall exceed three-fourths the value of the land in its unimproved state, then the successful claimant may compel the occupant to keep the land, and to pay for the same the amount of valuation fixed by commissioners to be appointed by the court. These commissioners are directed to make the estimates, as well of the rents, profits, and value of the land, as the costs of seating and improving the same, together with the waste and damage committed, and reduction of soil. The report of these commissioners upon oath, (seven in number,) was to receive the sanction of the court, and to be made the basis of their judgment. Until the court had thus disposed of the question of improvements, &c., no writ of possession could issue upon the original judgment. Such are the outlines of the two acts of the Legislature of Kentucky, passed under a most thorough conviction that she possessed the power, and deeply impressed with the belief, that they were demanded by the condition of the country.

And, whatever may have been said about the infraction of Constitutional law, the purity of the motives of the Legislature who passed, and the judges who approved their adoption, has never been, cannot be, questioned. It requires the efforts of refined legal subtilty to demonstrate clearly the unconstitutionality of those laws. The eighth section of the compact permits the Legislature of Kentucky, after six years, to subject the lands of non-resident proprietors to forfeiture for non-cultivation. From this clause, it seems a milder power might be inferred—one of less magnitude—a power which, by its exercise, saves to the non-resident his land from forfeiture for non-cultivation, by requiring him to pay the meritorious occupant for doing that which the State had a right to compel him to do, viz: the improvement of his land within her territory. The delay incident to the investigation and trial of a land cause, (to say nothing of the designed procrastination of it by the artful claimants, with a view to swell the item of rents on the final account,) furnished a very just reason for a change or repeal of the act of 1796.

Suits have lingered upon the dockets for twenty years, and, in some instances, longer. Under the act of 1796, the occupant was charged with the rents after the commencement of the suit; and it not unfrequently happened that, after losing his home, and his labor of twenty years, he was ruined by a demand for rents of land which he believed to be his own. It was thought the act of 1796 was defective in other respects. The number of suits was continually increasing, and the occupants not only feared the loss of their lands and improvements, but ruin by a claim for back rents. The gradual improvement of the country was consequently retarded.

I have been thus particular, Mr. Chairman, (and, I fear, tedious,) in order that the Committee and the public shall understand the nature and character of those laws. I am anxious that the councils of my State shall be acquitted of all impurity of motive.

If I have given you a correct history and character of these laws, (and I believe I have,) you will acknowledge that Kentucky ought to feel on this subject; and she has, through her Legislature, expressed that feeling to the nation.

Not long after the passage of the act of 1812, its validity was questioned in the appellate court of the State. The judges of that court, men of intelligence, and who, as jurists, would not be shaded in a comparison with the justices of the Supreme or any court, decided, not by a minority, but by the undivided opinion of the whole court, that the Legislature had the power to pass the law of 1812.

This decision, supported by reasons irresistible, the Supreme Court, (although the book which contained it, was in the Library of Congress, to which they had unlimited access,) say they "*have not had an opportunity of examining it.*" It was not my purpose, nor is it required of me, by the nature of the proposition on your table, to maintain the validity of those laws; nor will I indulge an uncharitable opinion of those whose interest or duty it was to contest them. I am only anxious to evince to the Committee their importance, and to satisfy them they were not the enactments of hasty and inconsiderate legislation, but the productions of soberness and reason, dictated by a sound policy, imperiously demanded by necessity, and approved by the judgments, not only of the people, but the Legislature and the courts of the State. When laws of so much importance to the prosperity and happiness of a State, sanctioned by successive Legislatures and courts, consisting of judges of great talents, shall have been prostrated by the opinion of three justices, however learned and dignified, it becomes the duty of the States to inquire into the expediency of so organizing that court that more security shall be given to their respective rights. The opinion of the Supreme Court in the case of Green and Biddle may be correct; it is, nevertheless, unsatisfactory and afflicting to my constituents; nay, sir, to the whole State—unsatisfactory, because it is the opinion of a minority of the members of the court, without the aid of its *head*, opposed to the opinion of the Legislature, and the inferior and superior courts of the State; afflicting, because the character of the State has been traduced—not by the court, but by those who, like the justices, were unacquainted with the real condition and character of the people for whose safety and protection these laws were enacted. I will not contend, as some have done, that the case of Green and Biddle was not legitimately before the court, nor that it was an act of usurpation in the court to have assumed jurisdiction of the cause. The question involving the validity of these laws was fairly presented to the court for its decision. I admit the right and the power of the Judiciary to decide upon Constitutional questions; and, when fairly presented, it becomes their duty to decide them upon their Constitutional responsibility. I am desirous, therefore, that, whenever the occasion arises for the exercise of this high and important power by the Judiciary, it shall be exercised in the mode best calculated to administer justice, and inspire confidence in the public mind. What better mode can you adopt, combining these two great objects, than the one suggested by the resolutions offered by my colleague?

The prostration of those laws, so indispensable to the prosperity of the State; laws which secured to the industrious occupant, should he be unhoused by a better title, an indemnity for his labor bestowed upon the land; and of a policy, existing for twenty-five years, sanctioned by a large majority of the Legislature; approved and sustained by the unanimous decisions of the supreme court of the State; made the basis of numerous compromises and contracts, was well calculated to produce a shock in public feeling, and to call forth the almost unanimous voice of the whole State, against the correctness of the opinion of the three justices of the supreme court.

I have said, the power to decide upon Constitutional questions, involving the validity of the laws or constitution of a State, appertain to this court. Yes, sir, they have the power, not only to fritter down the sovereignty of the State governments, but to set at defiance the legislative powers of Congress. It is necessary that the power to decide upon Constitutional law, should be vested in the judiciary; and it is the duty of the Representatives of the people to watch, with a vigilant eye its exercise. I do not mean to say, that the power, in this case, has been intentionally abused. Its exercise, however, by a minority of the court, has spread dismay over the whole State. In ordinary cases, where the Legislature may have trespassed upon the confines of the Constitution, and the encroachment is repelled by the judiciary, reform and amendment may take place. Was this the condition of Kentucky: did the decision leave a hope that any future legislation upon the subject, even in conformity with what Virginia, since the compact, has prescribed for her own citizens, was permissible, we should not not feel so sensibly the effects of the opinion of the court. The court deny to Kentucky the right to legislate in reference to this subject. Virginia has parted with the soil and sovereignty: she cannot therefore legislate; nor can the two States, by any alteration of the terms of the compact, (if the decision be correct,) resume the power in themselves, jointly or separately, to legislate upon the question of land titles, acquired prior to 1792, in the State of Kentucky.

Did Virginia possess the power, and were her statesmen made acquainted with the real condition of those for whose benefits those laws were passed, I know that she estimates too highly the blessings of a free Government, to refuse relief, such as that extended by the Legislature of Kentucky, to those whose lands were lost by adversary titles.

Kentucky has no hope that she can be relieved by any act of Congress, from the evils which the misguided policy of her parent State forced, and the decision of the Supreme Court has riveted, upon her. She must, and she will, with that firmness and patriotism with which she has been hitherto characterized, maintain, under all circumstances, her attachment to the Union, her reverence for the constituted authorities of the Government. She has never deserted the General Government, nor is she willing to be abandoned by it.

It is her anxiety for the preservation of this Union, which has produced the memorial on your table. She believes it is best preserved by a due regard to the inviolability of State rights; and, sir, what does she ask you to do? To declare, by law, that the solemn act of the Legislature, the Constitution, the sound and settled policy of the States, shall not be prostrated by your judiciary, which was once thought the weakest department of Government, unless there shall be at least the concurrent opinion of five judges. I would extend it further, and say, they should not declare an act of Congress unconstitutional, without such coincidence of opinion. This, by many, is thought not necessary; and since I have reflected upon the subject, I do not recollect that they have, in any instance, decided against the validity of an act of Congress, save one, which required some unimportant duty to be performed by themselves, under the pension act. I have thought it would be altogether useless legislation, and this determination is strengthened by the fact, that the alien and sedition act received the support of the Federal judiciary. The doctrine of "incidental, resulting, and necessary powers of Congress," recognised by the court in the bank and other cases, furnishes us ample security in the free exercise of our powers, if it does not tempt us to transcend them.

The ill fate which has befallen my State, in that court, induced me to make some little examination into the "current of decisions," where the rights of States were directly or collaterally drawn in question; and, sir, I find them, like the needle, which always directs us to the same pole, invariably tending to the amplification of the powers of the General Government, and a corresponding restriction of State sovereignty. Georgia, Pennsylvania, Virginia, New York, Ohio, and Kentucky, have shared, each in their turn, the same fate. I do not recollect a single case before that court, in which the question of State power, in confliction with the supposed powers of the General Government, was involved, where the decision has been in favor of the power claimed by the State. I will not undertake to say that the whole of these opinions were wrong. I must be permitted to say that the States have been extremely unfortunate before that enlightened tribunal. At the rate they have heretofore progressed, it will not take long to fritter down the State governments to "mere petty corporations," acting by the authority and permission of the General Government—I should have said the weakest department of that Government. It is time for the States to inquire into the cause of this state of things; and in order, at least, to inspire greater confidence in the opinions of that tribunal, which shall declare null and void their constitutions, and the solemn acts of their legislatures, they should cause a greater volume of intellect to flow into the judicial channel. The powers which the Supreme Court possesses under the Constitution, to be exercised in the manner prescribed by the 25th section of the judiciary act are tremendous; such as, if abused, from ignorance or by design, may, one day or other, shake this confederative Republic to the very centre. Let us provide, then, by law, as far as we have the power, against the chances of such an event. Is there any valid objection to the resolution? Is there any thing in them contrary to the theory of our Government? Will it prevent, or obstruct, a due administration of justice in that court? I have not been able, in my own mind, to anticipate any evil consequences which are to grow out of the adoption of the resolutions offered by my colleague; I have not, as yet, heard any opposition suggested; and I shall conclude, under the hope that none will be made. At least, I shall have the consolation of having discharged a duty which I owed to my State, whose interest and character are dear to me; and which, I regret I have not been able to do in a more acceptable manner.

Mr. Trimble, of Kentucky, wanted to say a few words, and would detain the Committee only a few minutes. He thought the subject might be placed in a new aspect, as important as any that had been given to it. What, said he, is the question; and how does it come before us? A compact exists between the States of Virginia and Kentucky. A citizen of Kentucky, holding a title to land there under the laws of Virginia, or a non-resident (say a citizen of Virginia) holding, in like manner, a title to lands in Kentucky, derived from the laws of Virginia or Kentucky, brings an action at law or suit in chancery for the land, and obtains a judgment or decree in his favor, under which he is put in possession of his right. The occupant, who was sued, holds a title of record for the same land, derived under the same code of laws, which title he exhibits to the court, and thereupon demands payment for the value of the lasting improvements made by him on the land, and requires an assessment of the value of those improvements under the laws of Kentucky, usually called the "Occupant laws;" the adverse party contests the right of the occupant to claim payment for his improvements, upon the plea that the Occupant laws are in violation of the compact between the two States. The Supreme Court of the United States and the inferior courts take cognizance of the case under the second section of the third article of the Federal Constitution, in which article we find the following clauses, among others, viz: "The judicial 'power (of the United States) shall extend to controversies between two or more States, between 'a State and citizens of another State, between 'citizens of different States, between citizens of 'the same State claiming lands under grants of 'different States, and between a State, or the citizens thereof, and foreign States, citizens, or 'subjects." And thus the right and power of the State of Kentucky to pass the Occupant laws, and the validity of the laws themselves, are drawn in question before the Supreme Court. Mr. T. referred to the case of Green and Biddle as an example, the details of which would be found in the remonstrance from the Legislature of Kentucky. It was known, he said, that only four of the seven judges sat in that case, three of whom were of opinion that the State of Kentucky had no power to pass the Occupant laws just referred to, and the other judge dissented; so that, in point of fact, only three judges concurred in the opinion declaring those laws invalid. In this respect it is a question of State powers and State rights, and he would like to know when and how a minority of the Supreme Court became possessed of the power to decide against the validity of a State law? Was it right to suffer a minority of the court to exercise such broad powers? The friends of State rights insist that a law of Congress ought to pass, declaring that no decision shall be given by the court in such cases, unless a majority of all the judges shall concur in it. His own opinion, looking to the policy of the question, was, that the law ought to require a concurrence of at least five of the seven judges, if not all of them. Would any member show him a solid objection to that number? Look, said he, at the root of the question: each State has plenary power—legislative, executive, and judicial—over all its municipal concerns. The power of each is paramount within its own limits, except in those cases where all have brought themselves under Federal subordination. The States grant to Congress and the nation the supremacy over certain enumerated subjects, and they retain the supremacy over all other subjects. Now, suppose the States to be yet independent of each other, and foreign to each other, as they were before the Federation; how would two or more of them decide a dispute between them, or between their citizens? Exactly as all sovereigns have done, and are compelled to do—abandon the dispute, or settle it by making war, or by reprisals, to enforce the right, or by sending ambassadors to make a treaty of settlement and compromise; or by referring the matter in contest to friendly sovereigns as arbitrators. But the framers of the Constitution foresaw that Federal and State rights and powers might come in conflict with each other, and that controversies might arise between two or more States, or between a State and citizens of other States, or between citizens of different States; and they knew that the system of Federation would be incomplete, unless some mode could be devised by which such disputes could be peaceably adjusted, because they must have known that such disputes had dissolved and destroyed all the old confederations of the old continents. Two modes of adjustment were suggested, first, to leave each State the right of naming friendly arbitrators upon each contested question as it should arise; and, second, to constitute a body of perpetual arbitrators. The first mode was in use among the ancients, and the last was once in use, and probably yet is, among the Swiss Cantons. It is the mode adopted in our Constitution; the power is vested in the Supreme Court, and its subordinate courts, and the judges are constituted a perpetual body of friendly arbitrators. He called them *friendly* arbitrators, because there was no magic in the word *judge*—all judges being nothing more nor less than friendly referees. The court takes the place of friendly sovereigns, and are agreed upon before-hand to determine certain high disputes, which, if that provision had been left out of the Constitution, would have been settled by war or by treaties, as among other sovereign powers. But the Constitution itself is in the nature of a treaty; it is an agreement—a solemn compact—a compact of union—a perpetual treaty of union—and therefore he thought it strictly proper to say, that the States, and the people of the States, had stipulated and agreed that the judges of the Supreme Court should be friendly arbitrators, to determine all controversies arising in the class of cases enumerated in the second section of the third article of that instrument; and here the main question comes forward: How many of these arbitrators ought to concur in a decision, where the validity of State laws are disputed? Shall all concur, or a bare majority; or some intermediate number; or can a minority decide? We are here debating the proposition, but no one ventures to defend the propriety or policy of letting a minority exercise the power. Shall it be left to a bare majority? Can we deduce a sound rule from the theory or practice of our Government? The Constitution is silent on the subject. It declares that—"The judicial power of the United 'States shall be vested in one Supreme Court, 'and in such inferior courts as the Congress may, 'from time to time, ordain and establish." The Federal courts were established by the law of September, 1789, and that law enacts that the Supreme Court shall consist of one Chief Justice and five Associate Justices, any four of whom are declared to be a quorum to do business; but it omits to say how many shall concur in giving a decision. That omission, however, was supplied by the compulsive operation of the law: If the six judges sat in a cause, three of them could not decide against a State law; but if four of them were ready to concur, the court could then give judgment; but four is two-thirds of six; and so, from the necessity of the case, a State law was not invalidated until two-thirds of all the judges were against it. If only five judges sat in a cause, three, being a majority of five, could render a decree; and if only four sat, three of them must concur, or else the court would be equally divided; and thus it happened from necessity that no decision could be made against a State law, unless two-thirds of the whole court concurred when all sat, or three-fifths when five sat, or three-fourths when only four sat. And here he entreated gentlemen to remark, that no state of things could possibly occur, in which a minority of the whole court could invalidate a law. The conformation of the court put it out of the power of the body to encroach upon State rights by the invalidation of State laws. By the act of February, 1807, the court is to consist of seven judges, but no further regulation is made in that law, and of course four continued to be a quorum to do business. But as three is a majority of four, or of five, and a minority of seven, it is obvious, that when only four or five of the judges sat in a cause, a minority of the body could invalidate a State law. The act of 1807 ought to have directed how many of the judges should concur upon questions touching State rights, but it was then neglected, and Congress is now called upon to supply the omission. Shall we leave the court to regulate itself, or shall it be put "under such regulations as the Congress shall make." How shall we find a rule? By analogy, by looking into the theory and practice of the Federal Government and the State Governments, by consulting the reason of the thing, by following the dictates of sound policy.

By analogy: State power and State rights are put in question, and therefore the case of two sovereigns, referring a matter in controversy to other friendly sovereigns, bears a close analogy. It would be called, at the bar of the court, a case in point; and yet there is not a case to be found in all the books of international law, wherein three or more friendly sovereigns have decided a dispute referred to them, unless all of them concurred in the opinion. In such cases, an award by a minority, or a bare majority, would be pronounced as an outrage upon the parties making the submission. No sovereign would submit, and no nation ought to submit, to an umpire of minorities. Mr. T. again asserted, that by our own Constitution, the judges are put in the place of friendly sovereigns, acting as referees between sovereigns, so far, at least, as State rights and State laws are drawn in question before them, and that, therefore, they ought to govern themselves by the rules and usages adopted by those who arbitrate between sovereigns. These rules would require a concurrence of all the judges, and he thought it quite probable that the time would come, when those rules would have to be adopted. Take the case of a reference in court, to three arbitrators, by consent of parties; all of them must concur in the award, unless the order of reference specially declares, that any two of the number may decide the matter. From this, and similar cases, he argued, that all analogies required a concurrence of the whole body of judges or arbitrators. In all the State constitutions, there are clauses declaring what number of members shall form a quorum to do business in the legislative body; and why? Because it is generally understood that, without such a clause, none of the members could rightfully act until all were present. A similar clause, he said, would be found in the Federal Constitution.

But again: in all the States, without exception, if a court is constituted of three or more judges, we shall find a law declaring how many of the judges shall form a quorum to do business: and why? Because it is believed every where, that, without such a regulation, no cause could be heard unless all the judges were on the bench. The rule of quorums is sometimes found in the constitution of the State, as in Ohio; but is generally found in the State laws. And in the case before the Committee, the Congress of 1789 must have held the same opinion, or else, why enact that four judges of the Supreme Court should be a quorum? In fact, said he, we find the general principle every where, and in all the departments of our Federal and State Governments. And all the exceptions to it appear to have grown up under special provisions. This much at least was clearly true as to all our judical departments; first, that the body cannot fractionize its integral powers; second, that its power of action belongs to its integer, and not to fractions of it, unless the law has so provided; and, third, that there is no judicial usage to justify this alarming arrogation of power by enormities, more especially as all the exceptions are found to rest upon special reasons, which only fortify the general principle. It is true that our system operates upon majorities generally; and yet we often find departure from that principle; not in behalf of minorities, but always in favor of augmented majorities approximating unanimous concurrence. For instance, the Federal Constitution cannot be amended unless three-fourths of the States concur. Now, it is known to every one, that the construction of the judges is the true reading of the Constitution, and the person and property of every citizen must stand or fall by it. But these constructions are in the nature of explanatory amendments; and surely, if less than three-fourths of the States cannot amend the Constitution, less than three-fourths of the judges ought not to construe it. The analogy, as it struck him, was too close to be resisted. Similar provisions were to be found in the State constitutions, and if any of the States have allowed a minority of their own judges to invalidate their own laws, that was their own affair; and it did not thence follow, that the same State ought to permit a minority of the Federal Court to send a mandate into its territory, abrogating its municipal laws and State regulations. There was one question which he would barely state, but not discuss, because it was too grave to be lightly considered. Can a minority of the Supreme Court render a judgment or decree abrogating State laws? Is such a judgment obligatory on the States, or is it not a dead letter in law? Are a minority of the judges legally competent to render such a judgment or decree? He had no doubt that this question would be made before long at the bar of the court. In his opinion, the court ought themselves to have settled it, when they, for the first time, gave a decision against the validity of State laws.

As a matter of policy: Was it safe and fitting that a State law should be vacated by less than five judges out of seven? If it could be shown, that, according to juridical usage, a court has the power of declaring that a majority of its body should be a quorum, and that a majority of that quorum may determine ordinary cases, it would not follow, in his opinion, that the Supreme Court ought to arrogate such power. That court sits in judgment upon a class of cases, such as were never submitted to the arbitration of any judicial tribunal. It is invested with higher powers than were ever before conferred upon any judicial institution. It may vacate a treaty made between the United States and foreign nations; it may invalidate a compact or treaty made between the General Government and one or more of the States; it may vacate a compact or treaty between two or more States; it may invalidate a law of Congress; it may vacate a State constitution, or annul one or more of its clauses; it may invalidate a State law, or annul and reverse the judgments and decrees of the highest judicial authorities of the States! And these are only a part of the extraordinary powers with which it is clothed, over and above the ordinary powers vested in a court of justice. It is in fact a political body, invested with high political powers and functions. It is a perpetual arbiter between political bodies—between sovereign powers. Was there no danger in suffering a minority or a bare majority of such a body to decide such grave and solemn controversies between such parties? Suppose this Committee was now sitting as a Convention to frame the Constitution, and, after vesting the Supreme Court with those high powers, under the name of *jurisdiction;* let us imagine that some member has offered a proposition to permit a minority or a bare majority of the court to pass judgment on these great questions, involving matter of such deep concernment to the States,—would any member of this House vote for the proposition? He thought himself justified in saying that no one would venture to give it his sanction. The last thing a free people ought to surrender, should be the power of making their own laws; and, next to that, the power of repealing them. A State makes a dangerous grant of power, when it gives another body the power of annulling and vacating its own laws against its own consent. Such a power ought to have strong checks upon it. A bare majority is not a sufficient counter-guard. The concurrence of five-sevenths ought to be required, and entire unanimity would perhaps be still better. A court ought to do justice; and next to that comes the policy of giving general satisfaction, if it can do so and do right. But the Supreme Court will never be able to give general satisfaction, so long as it allows a minority of its body to abrogate State laws. Such things might be tolerated by good men, in peaceful times; but among bad men, and in bad times, no one ought to be held responsible for the consequences.

Mr. T. insisted that all the States had an equal interest in the proposition before the Committee. The case of Green and Biddle had been fully explained by his colleagues; and he would only add that, in his opinion, the judges did not understand the cause, or the points involved in it; and that the decision was not sound law. He did not think that any five of the judges could be brought to concur in that opinion; and (waiving the pride of consistency) he did not believe that the same judges would again concur in it; he was sure, that among first-rate judges upon any State bench a different decision would have been given. Waiving the question of sheer law, and keeping a single eye to the justice of the matter, he had as yet met with no man who condemned the Kentucky acts of Assembly, after fully understanding them; and in his opinion it would be easy to show that, under all circumstances, the State had acted with a degree of liberality and forbearance towards non-resident landholders which ought to command the respect of all enlightened statesmen. He knew that contrary impressions had been made by land speculators and their advocates upon persons unacquainted with the situation of the country; and it was a duty which the State owed to itself, as a member of the Union, to vindicate the moral justice of its laws against the unjust aspersions thrown upon them. But as the Committee did not then wish to pursue that branch of the inquiry any further, he would reserve what he had intended to say until some one should arraign those laws as unjust in principle; if, indeed, any one could be found possessing temerity enough to do so. He hoped that the amendment offered by the gentleman from Georgia (Mr. Forsyth) would be rejected, and that the blank in the resolution would be filled with the number *five*.

On motion of Mr. McKim, the Committee rose, and the House adjourned.

Tuesday, May 4.

Mr. Crowninshield, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Thomas Shields," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. Whittlesey, from the Committee of Claims, made an unfavorable report on the petition of Lewis Dolive, and others, inhabitants of Mobile, in the State of Alabama, for compensation for cattle taken for public use in the late war; which report was laid upon the table.

Mr. Vance, of Ohio, from the committee appointed to inquire into the expediency of granting relief to certain purchasers of public lands lying between Ludlow's and Roberts's lines, in the State of Ohio, made a report, accompanied by a bill to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia Military Warrants, lying between the said lines; which bill was read twice, and ordered to be laid on the table.

Mr. Webster submitted the following resolution:

Resolved, That provision ought to be made by law that, in all suits now pending, or which may hereafter be pending in the Supreme Court of the United States, where is drawn in question the validity of any treaty, or statute of a State, or the constitution thereof, or of any authority exercised under any State, on the ground of repugnancy to the Constitution, treaties, or laws, of the United States, no judgment shall be pronounced or rendered until a majority of all the justices of said court, legally competent to sit in the cause, shall concur in the opinion, either in favor of or against the validity thereof; and, until such concurrence, such suit shall be continued under advisement: *Provided, however,* That said court should not, by such provision, be prevented from rendering judgment in any such suit when it should be of opinion that the final adjudication of the merits thereof did not require the decision of such Constitutional or legal question as aforesaid.

The resolution was read, and committed to the Committee of the whole House on the state of the Union.

On motion of Mr. Little, the House took up the bill "concerning invalid pensioners," with the Senate's amendment, (striking out the names of a part of the pensioners.) Some conversation took place between Messrs. Little, Culpeper, Cady, and Tracy. Mr. Cady moved to lay the bill on the table; which was negatived.

On motion of Mr. Little, the House disagreed to so much of the Senate's amendment as strikes out the names of the pensioners at first included in the bill, with the exception of the names of Sutton, Lord, and Zimmerman.

Mr. Owen, of Alabama, advocated the case of Sutton; Mr. Longfellow, that of Lord; and Mr. Cady, that of Zimmerman—pensioners included in the Senate's amendment.

On the question of agreeing with the Senate to strike out the name of Ebenezer Lord, there were 69 ayes, and noes 58; so his name was stricken out.

The questions on Sutton and Zimmerman were also decided in the affirmative; and their names were agreed to be stricken out.

The engrossed bill "for the relief of the heirs of Miguel de Esclava," was read a third time, and passed.

DEAF AND DUMB ASYLUM.

Mr. Moore, of Kentucky, from the committee appointed on the memorial of the Trustees of the institution for the instruction of the deaf and dumb in the State of Kentucky, made a report on the said memorial, accompanied by a bill for the benefit of the said institution; which was read twice, and committed to a Committee of the Whole. The report is as follows:

Your committee entered upon the investigation of the subject referred to them, deeply impressed with the conviction that the great object of human legislation is to promote the happiness, as well as the security of the species. Its legitimate sphere extends beyond the erection of fortresses, the creation of military and naval armaments, fiscal arrangements, the punishment of public crime, and the reward of public virtue; and it is, when it interposes its benignant power in behalf of those domestic institutions, which are formed to alleviate the ills which originate in the infirmity of our nature, that its advantages are most generally felt and acknowledged by the mass of society. In the infancy of nations, indeed, institutions of this character are so limited in number and extent, as to claim but little attention, because the necessity of them is less obvious and imperative. But, as wealth, refinement, and population increase, bringing in their train a melancholy series of casualties and anomalies, the necessity of some provision for human infirmity becomes more apparent, and charity finds a rapidly expanding area, in which she may exercise her godlike propensities. For evidence of this truth, we may appeal to the universal history of civilized nations, as well as to the annals of those States of our Commonwealth, which have made the most rapid progress in population. If institutions, precisely similar to that to which the attention of your committee has been called, are less numerous, and of more recent origin, than other receptacles of human misfortune, these circumstances may be attributed, partly, to the relative paucity of cases, partly to an amiable weakness, which has prevented parents from banishing their children, thus affected, from the cheering comforts and endearments of home and kindred, and partly to the incredulity which has so long prevailed on the subject of any effectual alleviation which the skill of man could devise and apply. The influence of these causes has, however, been, for some time, diminishing. The fame of the philanthropic Abbé de L'Epée, has reached the utmost limits of the civilized world, and humanity triumphs in the conviction that, even in cases which come so entirely home to the "bosoms and business" of mankind, the imperfections of our nature may be, in some degree at least, corrected by the skill and perseverance of science and of art. Entertaining these general views, your committee admit neither difficulty nor hesitation, in applying them to the case which has been referred to their consideration.

The Kentucky institution for the tuition of the deaf and dumb, appears to your committee to have strong claims on the protecting benevolence of Congress. It is the only institution of the kind existing in all that vast and fertile range of country which lies west of the Alleghany chain of mountains. Institutions of this description, can never, for reasons which we deem sufficiently obvious, become so general, even in the diminished ratio of the number of persons for whose benefit they are founded, as those which have for their object the instruction of the more favored, and, happily, far more numerous portion of our species. Your committee, therefore, believe, that the National Legislature would pursue a wise policy in adopting as its own, and cherishing by its protecting care, a few establishments of this kind, already in successful operation. Applications have already been made for the admission of pupils, from many of the circumjacent States; nor have such applications been made in vain. Kentucky, forgetting her inability, in the zeal and fervor of her philanthropy, has placed the unfortunate sons of her sister States upon an equal footing with her own. The aid solicited by the petitioners is a boon asked, not for a single member of the Confederacy, but for a whole section of country rapidly increasing in population and resources, and justly entitled to the attention of Congress. The deaf and dumb asylum was incorporated and endowed by the Legislature of Kentucky, in 1822, and went into operation in the Spring of the following year. At the late session of that body, a most respectable committee, composed of two members of the Senate, and four of the House of Representatives, was appointed to visit and examine the institution. In their report they say "that they remained in Danville, and visited the asylum on two successive days, and were greatly gratified in witnessing the progress made by the pupils, whose facility and correctness in comprehending the signs made by the teacher, and in expressing their ideas, exceeded any thing that could have been anticipated by the most sanguine friends of the institution. All those who had been instructed for four months in the asylum, wrote good hands, spelled correctly, &c." And the committee, after noticing, in the highest terms of approbation, the administration of the institution, concluded by recommending it "to the continued and extended patronage of the Legislature." The number of pupils, at that time, was fourteen; five more were expected in a few days, and it was anticipated that, in the course of the present year, the whole would amount to forty. The trustees have ascertained that more than one hundred and thirty persons in Kentucky needed the benefits which that institution alone could confer, and of these more than one-third could receive them only from public munificence. It is believed that the number of cases in the adjacent States will bear a like proportion to their population. Under these circumstances, the following resolution passed both Houses of the Kentucky Legislature. "*Resolved,* That a respectful memorial from the Legislature be transmitted to the Congress of the United States, on behalf of the Kentucky Institution for the tuition of the deaf and dumb; soliciting their attention to the petition of the trustees of said institution for the aid of the National Legislature." From some cause, unknown to us, the memorial thus ordered, was never presented by the committee appointed to prepare it. Your committee find that the principle and policy of extending relief to institutions of this character, have been recognised by the Congress of the United States, in a grant made to the Connecticut asylum, and in that case they discover a strong precedent to justify the passage of a bill for the benefit of the Kentucky asylum. They, therefore, beg leave to report a bill.

POST OFFICE BILL.

On motion of Mr. F. Johnson, the previous orders of the day were dispensed with, (ayes 76, noes 59,) and the House went into Committee of the Whole on the bill "reducing into one the several acts for establishing and regulating the Post Office Department."

Mr. Long offered an amendment, inserting after the words "Military post," the words "or town;" which was not agreed to.

Mr. Tucker, of Virginia, moved that the Committee rise, with a view of taking up the subject of the Beaumarchais claim; which was negatived, only 44 rising in its favor.

Mr. Little moved to strike out the words "one fourth," in the first section of the Post Office bill, and insert "one sixth," but, on suggestion of Mr. Johnson, modified the motion to "one fifth."

Mr. Randolph opposed the amendment, and moved to strike out the whole clause, from the 19th to the 25th line, viz:

> "And where a route has been in operation two years, and does not produce one-fourth of the expense incident to the same, he shall discontinue the transportation of the mail on such route, except it be the only route that leads to the seat of justice of any county, a place where a land office is established, or an important military post, and report the same to the next session of Congress."

He advocated his motion by a short speech.

Mr. Mallary took the same side, and Messrs. Ross and Livermore further advocated the motion.

Mr. Little then withdrew his amendment in favor of that of the gentleman from Virginia.

Mr. J. Johnson opposed the amendment, and advocated the retaining of this clause of the bill, which he insisted was likely to produce a great saving to Government, without any serious inconvenience to the people.

Mr. **Hamilton** advocated the amendment, and contended that the saving contemplated would be a bad and narrow economy.

Mr. **Wickliffe** spoke in reply, and stated facts to show that the provision in the section would be wise and salutary.

Messrs. **Saunders** and **Livermore** followed in opposition.

Mr. **F. Johnson** offered so to amend the section as not to make it imperative, but only discretionary, in the Postmaster to strike out such routes as did not produce more than *one-sixth* of the expense of transporting the mail.

Mr. **Whipple** hoped the section would be retained, and assigned various reasons in its favor.

Mr. **Mangum** opposed the section in a short speech, and advocated the amendment, on the ground of the indispensable necessity of diffused information in a free Government.

Mr. **Isacks** spoke a few words on the same side; and, the question being then taken, was decided in the affirmative—ayes 75, noes 37.

So the section was stricken out.

Some further amendments were agreed to, in respect to certain dates in the bill, making its operation commence three months later than at first.

Mr. **Owen**, of Alabama, moved a proviso to the third section, in the following words:

"*Provided*, That no postmaster shall be considered as in arrears, until a reasonable time be allowed him (the postmaster) for settling his accounts."

Mr. **Sharpe** opposed this amendment as unnecessary, since postmasters are only to settle once in three months.

Mr. **Cocke**, also, objected to its adoption.

Mr. **Owen** replied, and insisted on the difference between being in arrears to Government, for want of an opportunity to settle, and being a defaulter, after such opportunity has been afforded.

Mr. **Wright** went into some details of the establishment, and suggested, as a preferable amendment, the following words:

"*Provided*, That the postmaster shall not have refused to pay any draft made upon him by the Postmaster General."

Mr. **F. Johnson** explained that part of the bill proposed to be amended, and replied to the arguments for the amendments.

Mr. **Reed** opposed the whole section, as over strict, and calculated to defeat its own object.

Messrs. **Whipple**, **Wood**, and **Bartlett**, spoke in reply, and defended the provisions of the act in its proposed form.

Mr. **Gazlay** suggested an amendment, which went to strike out the word "arrears," and insert a clause which provides, "that the postmaster shall have neglected either to transmit his accounts or to forward the money he owes."

Mr. **Test** suggested another amendment, which went to strike out the words "is in arrears," and substitute the words "shall not at the time be in default."

The question was taken on this amendment, and decided in the negative—ayes 36, noes 75.

Mr. **Gazlay** offered the following amendment:

"Provided every postmaster shall execute the duties of his office, and his securities be holden until his successor be appointed and qualified."

Messrs. **F. Johnson** and **Williams**, of North Carolina, opposed this amendment, and Mr. **Gazlay** defended it, as common in all other offices, and necessary in this.

Mr. **Bradley** opposed, and Mr. **Reed** advocated the amendment.

Mr. **Whipple** replied, and the amendment was rejected.

Mr. **F. Johnson** moved to strike out, in the 4th section, "in a penalty equal at least to one year's salary," and insert "in such penalty as the Postmaster General shall require;" which was agreed to.

Mr. **McKim** moved to strike out "eight," and insert "four," in the 5th section; agreed to.

Mr. **Gazlay** opposed, at considerable length, the whole of the 7th section of the bill.

Mr. **Plumer**, of New Hampshire, moved to amend the 8th section by inserting, after the words "a free white person," the words "of not less than eighteen years of age."

Messrs. **Livermore** and **McLean**, of Ohio, opposed, and Mr. **Cocke** supported, the amendment; and, the question being taken, it was rejected.

Mr. **Livermore** moved to amend the 12th section, by striking out "one" and inserting "two." The amendment was not agreed to.

Mr. **P. P. Barbour** stated, at length, the case of the Postmaster at Fredericksburg, and pleaded the propriety of raising his salary.

Mr. **F. Johnson** acknowledged the salary to be inadequate, but opposed making an insulated provision, in a bill of this kind, while so many other cases of a similar kind might be urged.

Mr. **A. Stevenson** replied, and quoted provisions of the bill for the Postmaster at New Orleans, at Wheeling, and other offices. If it was proper in their case, it was equally proper in this.

Mr. **P. P. Barbour** further supported his application, and insisted that the case of Mr. Gray, the postmaster at Fredericksburg, was a stronger one than any other which could be produced in the whole United States, and he challenged such production. He read extracts from the printed documents in support of his position, and followed them by a speech of considerable length.

Messrs. **F. Johnson** and **Ingham** replied, and stated what had been attempted towards providing better salaries for postmasters, and the want of success which had arisen from the want of funds in the Department.

Mr. **Livermore** opposed the motion, and contended that the compensation was fully adequate to the labor.

Mr. **Cocke** replied, and maintained that, even with the proposed addition, the salary would be a miserable pittance in comparison to the duties performed.

Mr. **P. P. Barbour** rejoined, and reiterated and extended the arguments before advanced, and compared the compensation of the Postmaster at Fredericksburg with that at New York, Baltimore, and other Atlantic cities.

Mr. Livermore spoke in reply, and denied that the character or talents of the individual had any thing to do with the question, except his honesty. The duties were not so heavy as was supposed.

Mr. Culpeper wished to make some remarks, and moved that the Committee rise. The motion was negatived.

Mr. Culpeper then stated a number of facts in relation to the duties of postmasters.

The question was then taken on the amendment, and was decided in the negative—ayes 51, noes 68.

After some other not important proceedings on the bill—

Mr. McKim moved that the Committee rise, which was carried—ayes 82. The Committee rose accordingly, and the House adjourned.

Wednesday, May 5.

The Committee on Military Affairs were discharged from the consideration of the petition of William Eaton, and leave was given to withdraw the same.

Mr. Tattnall was appointed on the Committee on Military Affairs, in the place of Thomas J. Rogers, resigned.

The Committee of the whole House to which is committed the bill from the Senate, entitled "An act for the relief of Hezekiah Langley and Benjamin M. Belt," were discharged from the consideration thereof; and the bill was recommitted to the Committee of Claims.

Mr. Cocke laid the following resolution on the table for consideration to-morrow, viz:

Resolved. That the President of the United States be requested to lay before this House at its next session, a detailed report of the system and plan of fortifications, at present contemplated by him, and as recommended by the Board of Engineers, including the plans and surveys of said fortifications, so far as, in his opinion, the same may be communicated without injury to the public service; and, also, the number and position of the fortifications, heretofore at any time erected, or which are now erecting, or to be erected, for the defence of the coast, harbors, and frontiers of the United States, distinguishing those on the seacoast in one class, and those on each frontier, in like classes, and including all the fortifications which are to be preserved, as part of the plan for the future defence of the country: And, showing, under proper heads, the State in which each is situated, when begun, which of them are finished, and when; with the magnitude of each, (as well those erected before, as since the year 1815,) the aggregate amount expended in erecting such as are completed; the amount of repairs since made, particularly upon those that were finished prior to the year 1815; the amount expended on those now erecting, and the estimates to complete the same; the number of guns, of every description and caliber, for each fortification, to complete its armament; the total cost of a complete armament for each; the force required to garrison each in time of war; the same in time of peace; noting those actually occupied, and with what force; and showing which, and how many of those erected prior to the year 1815, are found useless in the contemplated plan of defence; which, and how many of them have been, or are to be, abandoned; and the cost of each so abandoned, or to be abandoned; distinguishing between the original cost and subsequent repairs.

An engrossed bill, entitled "An act to authorize the issuing of a register for the schooner Five Sisters," was read the third time, and passed.

REMISSION OF DUTIES.

The engrossed bill for the relief of certain persons who imported goods into Castine during the late war, was read a third time, and the question upon its passage, gave rise to some debate.

[The case of these persons is substantially as follows: They were importers of British merchandise into Castine, in the Province of Maine, during the late war, whilst the place was in the possession of the British forces, on which they paid duties to the British authorities. When that port again passed into the hands of the United States at the close of the late war, the officers of the United States demanded payment of duties on the goods which they found there, having been thus imported. The importers, to avoid difficulty in regard to their property, gave the bonds required of them, for the duties. When these bonds became due, a part of them were paid, and payment of part of them was resisted, and successfully resisted in the courts of the United States, by whom the importers were exonerated from the payment of their bonds. The object of this bill is to refund to those who had paid their bonds the amount thereof, so as to place them on the same footing with those who had refused to pay them, and were sustained in that refusal by the courts of the United States.]

The passage of the bill was opposed by Mr. Cocke, and supported by Mr. McLane of Delaware, who explained the principles which governed the Committee of Ways and Means in reporting the bill. It was also supported by Mr. Sharpe, Mr. Webster, Mr. Hamilton, Mr. Livermore, and Mr. Lincoln; and opposed by Mr. Gazlay, Mr. Mallary, Mr. Garrison, Mr. Foot of Connecticut, Mr. Buck, Mr. Whipple, and Mr. Tod.

The ground of the opposition to the bill was, that the importers paid to the British authorities nominal duties only, and that great part of the goods imported were transported overland into the United States, thus evading payment of duties to the United States, and the portion found in store by the officers of the United States took a similar course, and were actually the first goods brought into the markets of the United States at the close of the war.

The question on the passage of the bill was taken by yeas and nays: For the bill 89, against it 86, as follows:

Yeas—Messrs. Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Baylies, Beecher, Blair, Bradley, Breck, Burleigh, Burton, Cady, Cambreleng, Cassedy, Clark, Cook, Crafts, Crowninshield, Culpeper, Cushman, Cuthbert, Dwinell, Dwight, Eaton, Edwards of Pennsylvania, Findlay, Floyd, Foote of New York, Forward, Gatlin, Hamilton, Hayden, Hayward, Hemphill, Henry, Hobart, Holcombe, Houston, Ingham, Isacks, Kent, Kidder, Kremer, Lathrop, Lawrence, Lincoln, Litchfield, Little, Livermore, Livingston, Locke, Long, Longfellow, McKim, McLane of Delaware, McLean of Ohio, Mangum, Marvin, Matson, Mercer, Miller, Mitchell of Maryland, Moore of Alabama, Neale, O'Brien, Owen, Patterson of Ohio, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Sharpe, Sibley, Spaight, Spence, A. Stevenson, J. Stephenson, Storrs, Strong, Tattnall, Taylor, Thompson of Kentucky, Tracy, Vance of North Carolina, Webster, Whittlesey, Williams of New York, and Wood.

NAYS—Messrs. Abbot, Adams, Alexander of Virginia, Allison, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Brown, Buchanan, Buck, Buckner, Campbell of South Carolina, Campbell of Ohio, Cary, Cocke, Collins, Condict, Conner, Craig, Day, Eddy, Edwards of North Carolina, Ellis, Foot of Connecticut, Frost, Garrison, Gazlay, Gist, Gurley, Harris, Herkimer, Hogeboom, Hooks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Leftwich, Letcher, McArthur, McCoy, McKean, Mallary, Markley, Martindale, Matlack, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky Nelson, Patterson of Pennsylvania, Plumer of Pennsylvania, Prince, Richards, Rose, Ross, Sandford, Scott, Sloane, Arthur Smith, William Smith, Standefer, Sterling, Stoddart, Taliaferro, Ten Eyck, Test, Thompson of Georgia, Tod, Tomlinson, Trimble, Tucker of South Carolina, Udree, Vance of Ohio, Vinton, Whipple, Whitman, White, Wickliffe, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wilson of Ohio, Woods, and Wright.

So the bill was passed.

POST OFFICE BILL.

On motion of Mr. F. JOHNSON, the House went into Committee of the Whole, on the bill to reduce into one the several acts establishing and regulating the Post Office Department.

Mr LONG, of North Carolina, after stating some change of opinion in relation to the vote of yesterday, refusing to increase the compensation of the Postmaster at Fredericksburg, moved a reconsideration of that vote.

The motion was supported by Mr. P. P. BARBOUR, Mr. HOGEBOOM, and the mover, and opposed by Mr. WICKLIFFE, of New York, and Mr. GAZLAY, of Ohio, and decided in the negative—ayes 47, noes 61.

The question then recurring from yesterday, on a motion to strike out the extra allowance to the Postmasters at Warrenton, Wheeling, and New Orleans.

Mr. EDWARDS, of North Carolina, stated the details of the business transacted at the office at Warrenton, and opposed the striking out of so much of the clause as relates to that office.

Mr. GAZLAY replied, and argued against the allowance.

Mr. MOORE, of Alabama, supported his motion to strike out the whole of these extra allowances, on the ground of equal dealing to all the officers in this kind of employment.

Mr. WICKLIFFE spoke in opposition to the extra allowance to the Postmaster at New Orleans.

Mr. GURLEY, of Louisiana, spoke in reply, and contended that this compensation was reasonable and necessary.

Mr. CAMPBELL, of Ohio, took the same ground with Mr. WICKLIFFE, and went somewhat into detail, in a statement of the facts connected with the business of the offices, &c.

The question, at the request of Mr. EDWARDS, of North Carolina, was divided; and being on the extra allowance for the post office at Wheeling—

Mr. JOHNSON, of Virginia, opposed the abolition of it. Mr. GURLEY argued in favor of the extra compensations, particularly that at New Orleans, and corrected some alleged mistakes in point of fact. Mr. ROSS contended that the postmaster at Wheeling was as much entitled to the compensation he received as either of the others in question.

The question being then taken on striking out each of these extra provisions, it was carried almost unanimously, in each case, to strike them out.

Mr. SAUNDERS then moved to strike out all that part of the section which relates to the Postmaster at Washington, as follows:

"The Postmaster General is hereby authorized to allow to the Postmaster of the city of Washington, in addition to the allowance made by this act, for postage collected, and for free letters received by him for delivery, a commission of five per cent. on the amount of mails distributed at his office: *Provided, nevertheless,* That the whole annual emolument of the said postmaster, including the extra compensation of one thousand dollars which is hereby allowed him, shall be subjected to the restrictions imposed by the forty-second section of this act."

Mr. F. JOHNSON oppposed this motion; and, on the question being put upon it, there were in the affirmative 65, in the negative 27.

This not being a quorum, the discussion was renewed by Mr. TAYLOR, of New York, who went into a calculation to show that the effect of the motion would reduce the salary of the Postmaster at Washington, from $1,900 to $900 per annum, which he opposed.

Mr. COCKE replied; and was followed by Mr. LIVERMORE, on the same side.

A motion was then made by Mr. FOOT, of Connecticut, to strike out the enacting words of the bill, which was decided in the negative, by a large majority; and, the question being then taken on striking out the clause last recited, it was decided in the affirmative. So the clause was stricken out.

Mr. WRIGHT moved to add to the section, as now amended, the following words: "Whenever, 'in the opinion of the Postmaster General, the 'compensation allowed by law is inadequate to 'the service required of him, (viz. the postmaster,) he may make him such further allowance 'as the public interest may require."

Mr. JOHNSON and Mr. ROSS opposed the amendment, and it was rejected by a large majority.

On motion of Mr. LATHROP, the Committee then rose, and the House adjourned.

Thursday, May 6.

Mr. Kent, from the Committee for the District of Columbia, to whom the subject had been referred, by sundry memorials from inhabitants and millers, residing in Virginia, reported a bill further to regulate the inspection of flour, in the county of Alexandria; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. Kent, from the same committee, to which was referred the bill from the Senate, entitled, "An act altering the times of holding the courts in the District of Columbia," reported the same with an amendment; which was read, and agreed to by the House, and the amendment ordered to be engrossed, and the bill read a third time to-morrow.

Mr. Rankin, from the Committee on the Public Lands, reported a bill, granting a tract of land to the parish of West Baton Rouge, on certain conditions; which was read twice, and committed to a Committee of the Whole.

Mr. McLane, of Delaware, from the Committee of Ways and Means, made a report on the cases of Joseph M. White and William Davidson, of Florida, accompanied by a bill for their relief; which was read twice, and committed to a Committee of the Whole.

The resolution, yesterday offered by Mr. Cocke, calling on the President for information in respect to the fortifications, was taken up.

The mover offered an additional clause in the words following: "And in all cases wherein sums 'of money have been already expended, or au'thorized to be so expended, the authority there'for, by reference to the amount and date of each 'appropriation; with a like reference to the law 'under which any of said works were erected." Agreed to.

Mr. Little objected, that resolutions had already passed requiring, in substance, the same thing with that now offered.

Mr. Cocke replied, and explained. It was desirable to have a general statement of the whole mass of information on this subject in one document—it could not now be procured except imperfectly, and in detached parts. After some farther conversation between Mr. Sharpe and Mr. Foot, of Connecticut, the resolution was adopted.

Mr. P. P. Barbour, by leave of the House, presented a memorial and petition of divers inhabitants of the city of Cincinnati, in the State of Ohio, holders of Virginia military land warrants, representing their inability to locate the said warrants, on lands set apart for that purpose by the State of Virginia, lying between Ludlow's and Roberts's line, in the State of Ohio; and praying that other lands may be set apart by the United States, to satisfy said warrants; which memorial and petition was laid upon the table.

On motion of Mr. Rankin, it was

Resolved, That the Committee of Accounts allow to the Clerk of this House an account for an adequate and reasonable compensation to the person employed by him to prepare an Index to the volumes containing the Executive communications, &c., directed to be prepared, by a resolution of this House, at the present session of Congress.

POST OFFICE BILL.

Mr. F. Johnson made a few observations on the necessity and importance of taking up and going through this bill, which has been already partially acted upon; the system, extensive and cumbrous, required several modifications and improvements which had been carefully prepared, after mature reflection, by the Postmaster General and the Committee of this House, and he should consider the vote of the House, on going into Committee of the Whole on the bill as indicative of its determination to pass the bill or not, at the present session.

The House then went into Committee on the bill, (Mr. Tomlinson in the Chair.)

Mr. Johnson offered a substitute to the 19th section; which was read.

Mr. Clay now rose, and observed that a bill of such great extent, containing more than forty sections, and involving some new principles of criminal law, could not, at this late period of the session, receive that mature attention which it required. There was scarcely a possibility that it could pass both Houses at the present session, and it would only consume time peculiarly precious. He therefore moved, that the Committee rise, with an understanding that leave be refused to sit again.

Mr. F. Johnson opposed this motion, on account of the importance of the bill, &c.

Mr. Clay replied, in a few words, and the question on rising was then decided in the affirmative—ayes 76, noes 62.

The Committee rose accordingly; and, on giving leave to sit again, there were ayes 70, noes 76. So the House refused leave to the Committee to sit again, and the bill was then laid on the table.

FLORIDA TREATY AWARDS.

On motion of Mr. McLane, the House went into Committee of the Whole, (Mr. Lathrop in the Chair,) on the bill "to authorize the creation of a stock to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain of the 22d February, 1819."

Mr. McLane explained the object and provisions of this bill. He went into an examination of the stipulations of the Florida treaty, and contended that the United States are thereby bound to pay the whole sum of five millions, whatever might be the proceeds of the sales of the lands ceded. To do this, the treaty suggests three different modes, and the selection of one of these is a question of expediency, of which this Government is to judge—and he stated the comparative advantages of different modes, and contended that that provided in the bill is the most advantageous. He objected to the creation of a 6 per cent. stock, payable out of the public lands, and maintained that it would be a saving of nearly one million of dollars at once to pay the money at the Treasury, borrowing a like amount at a rate not exceeding five (possibly four) per cent. per annum. He offered an amendment, which would cause the clause amended to read as follows:

> "That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United States, to cause to be issued and sold *to the Bank of the United States, or to others,* at a sum not less than the par value thereof, certificates of stock," &c.

Mr. F. JOHNSON opposed the bill as premature—and thought it would be better to pay the claimants for spoliations by Spain, by offering them either stock or lands in Florida. It would be better to wait for the report of the decisions of the board of commissioners before provision was made to pay the amount of their awards.

Mr. McLANE replied. The decision referred to must, by the treaty, be rendered in June next—so that provision must now be made to meet it.

Mr. P. P. BARBOUR was of opinion that the payment of the capital of the five millions might be postponed till the public lands were sold; but, that, in the interim, the interest must be paid on the amount awarded.

Mr. CLAY maintained that, by the treaty, we are not bound to pay interest on the capital of five millions, and thought it was premature to pay it at this time. The mode selected to discharge the debt was the most onerous of those pointed out in the treaty, and though something had been said of getting the money at four per cent. he doubted if such would turn out to be the fact. If it could be had at that rate, why was not such rate put down in the bill? He went into a discussion of the stipulations of the treaty, and compared the three optional modes of paying the money agreed on. He differed from Mr. BARBOUR in the opinion that the interest must be paid, whether the lands are sold or not. He thought both principal and interest were payable out of the sales of the lands in Florida. He would prefer issuing a stock, both the principal and interest of which should be payable out of the fund created by the sales of the Florida lands. The saving proposed by the bill, between five and six per cent. was deceptive. The stock, when thrown into the market, would not bring more than 75 per cent. and yet must be paid at par. He opposed the bill, and gave warning that, if its passage were pressed, he should offer amendments, the effect of which should be to make the stock payable only out of the sales of the lands.

Mr. STORRS went into a history of the Florida treaty. He contended that, by its provisions, the Government is bound to its citizens to make satisfaction for the Spanish spoliations, as soon as the amount of their claims shall be liquidated. He, therefore, thought Congress had no moral right to leave this stock unprovided for till the next session. He insisted that interest on this stock must be paid, as interest on all the other Government stock is paid, and might not be left to run on till the lands shall be sold. He thought the sooner the debt was paid, the better, especially if the money can be had on low terms.

Mr. McLANE rose in reply. He had spoken on authority, when he had said the money could be got at four and a half per cent. Such an offer had actually been made—and five had been inserted in the bill as a measure of precaution, to cover fluctuations in the money market. It would not be wise to defer this payment to next session: as then five millions of the war debt must be provided for. The measure now proposed was not one of the Committee of Ways and Means. It had been urged upon the House by the people of the United States. Mr. McLANE defended the mode now proposed as only meeting the spirit and form of the treaty stipulation. He denied that the interest might be deferred. If it might, and should be so deferred, in seventeen years the sum would be doubled, and the claimants lose their debt. He insisted that the difference between the interest of four and a half and six per cent. would be an actual saving to the Government. Suppose the Florida lands should not bring the five millions, the Government must make up the deficiency.

Mr. LIVERMORE contended, that, if the lands failed to bring the whole sum, the Government is not, under the treaty, bound to pay any more than the actual amount of sales. He recommended that, if money could be had at four and half per cent. the bill should be altered to that rate.

The debate was farther continued by Messrs. RANKIN, CAMBRELENG, MALLARY, BUCHANAN, and LIVINGSTON, who advocated, and by Mr. TAYLOR and Mr. CLAY, who opposed the bill.

Mr. TAYLOR moved that the Committee rise and report progress, with a view that leave might be refused to sit again. The motion was negatived, ayes 69, noes 76.

The debate was then renewed, by Mr. FORSYTH, who spoke in favor of the passage of the bill.

On motion of Mr. SHARPE, the bill was amended by reducing the rate of interest at which the five millions may be borrowed, from five per cent. to four and a half per cent.

Mr. CLAY moved so to amend the bill as to make it read—

> "The Secretary of the Treasury be, and he hereby is, authorized, with the approbation of the President of the United States, to cause to be issued certificates of stock of the United States to any amount not exceeding the sum of five millions of dollars, and bearing an interest of six per centum per annum, from the —— day of June, 1824, which stock, so created, shall be redeemable out of the proceeds of the sale of the lands ceded to the United States by the aforesaid treaty."

Mr. McLANE opposed the amendment, and the debate was further prosecuted by Messrs. CLAY, FOOT, of Connecticut, CALL, REED, and ARCHER.

The question on the amendment of Mr. CLAY was then disagreed to, ayes 62, noes 89.

Mr. COCKE offered the following amendment, which was adopted, *nem. con.*

> "*And provided, also,* That, in all cases where the person or persons in whose name, or for whose benefit and interest, the aforesaid awards shall be made, be in debt and in arrears to the United States, the

Secretary of the Treasury shall retain the same out of the amount of the aforesaid awards, in the first instance, and a warrant or certificate, as the case may be, shall issue only for the balance."

The bill and amendments having been read, were reported to the House.

Mr. F. Johnson moved to postpone the further consideration of the bill till the first day of December next.

Mr. J. supported his motion in a short speech, and called for the yeas and nays upon it; but afterwards withdrew his motion to postpone.

Mr. Ross renewed the motion made by Mr. F. Johnson, to postpone the consideration of the bill to the first day of December next.

Mr. Webster spoke in opposition to the motion, and in favor of the passage of the bill as amended.

Mr. Foot, of Connecticut, added a remark on the same side; and the question on postponement was then decided in the negative, by yeas and nays—yeas 53, nays 105—as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, J. S. Barbour, Beecher, Brent, Brown, Buckner, Campbell of Ohio, Cocke, Condict, Conner, Garrison, Harris, Hayden, Henry, Hooks, Isacks, Johnson of Virginia, F. Johnson, Leftwich, Long, McArthur, McCoy, McLean of Ohio, Marvin, Matlack, Matson, Metcalfe, Moore of Kentucky, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Ross, Sandford, Sloane, Standefer, Sterling, Taliaferro, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Vance of Ohio, Van Wyck, Whitman, Wilson of Ohio, Woods, and Wright.

Nays—Messrs. Abbot, Alexander of Virginia, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Blair, Breck, Buchanan, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Collins, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Ellis, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Holcombe, Houston, Jenkins, J. T. Johnson, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Livermore, Livingston, Longfellow, McKim, McLane of Delaware, Mangum, Mallary, Markley, Martindale, Mercer, Mitchell of Pennsylvania, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Pennsylvania, Plumer of New Hampshire, Poinsett, Rankin, Reed, Sibley, Wm. Smith, Spaight, A. Stevenson, J. Stephenson, Stewart, Stoddard, Strong, Ten Eyck, Thompson of Georgia, Tracy, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Vinton, Webster, Whipple, Whittlesey, Williams of North Carolina, Williams of Virginia, Williams of North Carolina, James Wilson, Wilson of South Carolina, and Wood.

The bill was ordered to be engrossed and read a third time to-morrow.

Friday, May 7.

Mr. Williams, of North Carolina, from the Committee of Claims, to which was recommitted the bill from the Senate, entitled "An act for the relief of Hezekiah Langley and Benjamin M. Belt," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. Gazlay moved to consider the resolution, some days since offered by him, in relation to a lot in Symmes's patent; which was carried. The resolution was read, and referred to the Committee on the Judiciary.

Mr. Mercer called up a joint resolution, offered long since by Mr. Van Rensselaer, (now absent on leave,) and which makes provision for including the Capitol and public grounds under the police regulations of the Corporation of the City of Washington.

The House agreed to consider it, and it was ordered to be engrossed, and read a third time tomorrow.

The following bills from the Senate, viz:

A bill altering the times of holding the courts in the District of Columbia;

A bill declaring the consent of Congress to a certain act of the State of Alabama; and

The engrossed bill further to regulate the inspection of flour in the county of Alexandria were respectively read a third time, and passed.

A communication was received from the Post Office Department, containing a statement of contracts made during the year past.

A bill from the Senate, "for the relief of Colonel William Duane," was considered, in Committee of the Whole, and ordered to a third reading.

A bill "for the relief of Thomas Shields" was taken up, in Committee of the Whole, reported to the House, and was then ordered to lie on the table.

CUMBERLAND ROAD.

Mr. Hemphill, from the Committee on Roads and Canals, to which was referred that part of the President's Message which relates to repairs of the Cumberland road, made a report thereon; which was referred to a Committee of the Whole. The report is as follows:

The committee, to which was referred that part of the President's Message which relates to the repairs of the Cumberland road, report:

That, in the opinion of the committee, the Congress of the United States have complete power to establish tolls on the Cumberland road, for the purpose of defraying the expense of future repairs, and of providing, by suitable penalties, for its protection against future injury. This right in Congress has been solemnly declared by both branches of the Legislature, on several occasions, and in particular by the passage of a bill for the erection of toll-gates on this road, containing the usual penalties, which bill passed in the Senate and House of Representatives by considerable majorities. The principle contained in the bill, in the opinion of the committee, assumed no State jurisdiction; it was simply the exercise of a power to secure the full enjoyment of a law of the United States, which had been constitutionally enacted. The act of an infringement of a United States law, with a few exceptions, must necessarily be committed within the territory of a State, but he who commits the offence is to be punishable by the United States. This does not carry with it any State jurisdiction; and it would seem to be a position indispensable, that, in order to give efficacy to the laws, the General Government must be invested with a power to protect its own Constitutional legislation.

The General Government cannot acquire exclusive jurisdiction, except over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; the States can, in no other instance, give jurisdiction to the United States. The General Government derives its whole power from the Constitution, and it can neither be increased nor diminished, in the slightest particular, by any other means than by an amendment of the Constitution.

The General Government and the States are to act in their own proper spheres, upon the powers they respectively possess; they cannot exchange powers, or, by any consent or combination of powers, give or take jurisdiction from each other.

To recommend a law to authorize the President to enter into an arrangement with the several States through which the road passes, to establish tolls, each within its limits, would imply a doubt on this important subject, which the committee do not entertain.

Concerning the policy of the measure, also, the committee will most respectfully suggest, that it probably would not answer the end expected. The mixing of authorities over this road might lead to unpleasant results; one State might erect toll-gates within its limits, and the other refuse; in that case, the road would belong to different jurisdictions; and, even if all were to unite in the erection of toll-gates within their respective limits, different interests might be felt, and the road unequally repaired. The Western States, too, might complain of the state of repairs, which would produce irritation and uneasiness among sister States.

And, as regards the States themselves, would they be willing to undertake the trouble of the management of a road, not made mainly for their own accommodation?

If they enter into any arrangement, they must take care that it is annually complied with. One statement must be annually sent to the State Legislatures for their examination, and another account of the proceeding must be sent, annually, to the General Government, for its inspection.

If the States do not comply with the arrangement, the right over the road must be receded to the United States—some might comply, and others fail; in this case, the road again would belong to different jurisdictions.

And, if there should be a difference of opinion as to a compliance with the arrangement, how is it to be adjusted? Would any of the States be willing to hold a jurisdiction so conditional and dependent—one by which they would be obliged to render an annual account of their proceedings to another authority? It appears to the committee, that the superintendence of the road ought exclusively to belong to a single jurisdiction.

It has been the constant and anxious solicitude of the Committee on the Cumberland Road, that the expense of repairing it should be raised by the collection of tolls; and it is believed that it is the general wish of the western section of the country, that the road should be maintained at the expense of those who use it, and not by the annual appropriation of money.

Resolved, That it is inexpedient to authorize the President of the United States to enter into any arrangement with the several States, or any of them, on the subject of the Cumberland road.

NAVIGATION OF WESTERN RIVERS.

Mr. HENRY, of Kentucky, moved to postpone all previous orders of the day, to go into Committee of the Whole, on the bill "for improving the Ohio and Mississippi rivers;" and a bill "for deepening the harbor at Presque Isle, and for repairing Plymouth beach;" which was carried—ayes 69, noes 46.

The House went into Committee of the Whole on these bills, Mr. MARKLEY in the Chair.

Mr. HENRY, of Kentucky, moved to strike out the two first sections of the first of the above bills, and insert the following:

"That the President of the United States is hereby authorized to take prompt and effectual measures for improving the navigation of the waters of the Ohio river, by causing channels to be cut through all the bars which cross the current of said river, from Brownsville, in Pennsylvania, to the Mississippi, upon which said bars there shall not be, at the lowest stage, at least three feet of water; or by causing dykes or sluices, and wing walls, to be constructed upon said bars, or by such other mode as, in each particular case, may be deemed most advisable."

Mr. HENRY made an explanatory statement of the facts, and of the nature of the plan proposed.

Mr. WICKLIFFE objected to the plan proposed in the amendment, and thought the improvement should be confined to the eradication of trees partially sunk in the river.

Mr. RANDOLPH coincided in this view, and stated the result of experiments on the Rappahannock and Roanoke rivers.

Mr. HENRY replied, and defended his amendment.

Mr. CLAY suggested the following modification, viz: to strike out the clause which describes the mode of improving the river by dams, sluices, &c., and insert the following "so as to insure, at the 'driest season, a uniform depth of three feet of 'water over each of said bars; and, for this pur'pose, the President is authorized to employ any of 'the engineers in the public service which he may 'deem proper."

The amendment, thus modified, was agreed to, *nem. con.*

The blank for the distance below the surface at which the planters and sawyers shall be cut off, was filled with *ten* feet.

Mr. SCOTT moved to amend the bill in the fourth section, by including in its provisions the river Missouri.

The amendment was agreed to.

The blank for the sum to be appropriated was filled with $75,000.

Mr. CLAY moved to rise and report the bill, and accompanied the motion with a series of observations on the circumstances of the case for which the bill provides.

The Committee rose, and reported the bill concerning the navigation of the Ohio and Mississippi, and asked leave to sit again upon the other bill committed to it; which was granted.

FIVE MILLIONS NEW STOCK.

The engrossed bill "to authorize the creation of a stock to an amount not exceeding five millions of dollars to provide for the awards of the Commissioners under the treaty with Spain, of the 22d of February, 1819," was read a third time.

Mr. **Beecher** moved to lay the bill on the table. The motion was negatived—only 45 members rising in favor of it.

Mr. **Sloane** expressed an opinion unfavorable to the bill, and demanded the yeas and nays on the question of its passage; which were ordered.

Mr. **Allen**, of Massachusetts, delivered his sentiments in opposition to the passage of the bill; and was followed on the same side by Mr. **Gazlay**.

Mr. **Sharpe** spoke in reply, and the debate was further continued by Mr. **Randolph**, Mr. **Call**, and Mr. **Test**; all of whom opposed the bill. Mr. **Farrelly** spoke in its support.

Mr. **Test** addressed the Chair as follows:

Mr. Speaker: I have very seldom intruded myself upon this House, and nothing, sir, but the firmest conviction, that to be silent would be a dereliction of my duty, could induce me, at this time, to ask the indulgence of the House to offer a few remarks upon the subject under consideration. I am called upon, by the bill upon your table, to vote away five millions of the people's money, and such is the repugnance of my mind to the feature and principles of that bill, that I feel myself called upon, by every consideration of justice and sound policy, to place upon it my solemn veto. I shall endeavor to condense my ideas into as few words as possible, to render myself intelligible; and, although I cannot hope to change the opinion of a single member of this House, after the protracted discussion which the subject has undergone, yet I cannot feel that I shall have done justice to my country, if I pass it by in silence. The charge against the Government, to the extinguishment of which the moneys intended to be raised by the operation of the present bill is to be applied, arises out of a treaty concluded between the United States and the persons exercising the Government of Spain in the year 1819, wherein it is stipulated between the two Powers, that "the Government of the United States shall 'pay to its own citizens a sum not exceeding five 'millions of dollars, for spoliations committed upon 'our commerce, and unlawful seizures made by 'Spain, of the property of our citizens;" the payment to be made immediately, "at the Treasury, 'or by the creation of stock bearing an interest of 'six per cent. per annum, payable out of the proceeds of the sales of the lands in Florida, or in 'such other manner as the Congress of the United States may by law prescribe;" these payments to be made "after certain Commissioners, named in the treaty, or a majority of them, shall have adjusted and allowed the claims," which claims, it is admitted on all hands, never have, as yet, been adjusted and allowed, and which have been under consideration about three years. The decision of this question depends in part upon the construction which may be given to the above clause of the treaty, and the policy proper to be pursued under that construction. Hence, two general questions present themselves for our consideration—1, What is the proper construction to be given to this treaty? and 2, What shall be a correct policy to be pursued under that construction? In the solution of the first question, it becomes necessary to inquire, what were the motives or causes which led to the making of, or entering into, the treaty? What is the nature of the obligation imposed upon the contracting parties? and, lastly, What rights do the claimants derive under it? There are two leading causes or motives for making and entering into treaties between nations—one is of a nature mild and peaceable, for the extension and regulation of friendly relations already subsisting between the parties; the other is of a nature adverse and hostile, for the reparation of friendly relations which once subsisted between them, but which had been broken off, and for a redress of grievances which had occurred during the suspension of those friendly relations, and comes in place of war. In the last general class of causes, there may be various motives for entering into a treaty with a foreign Power—as when you are totally incapable of contending on equal grounds, for the want of an adequate force, or the want of due preparation, or, where the nation with which you contend has nothing to indemnify you for going to war; and when, from their peculiar situation, to go to war with them would not add to your honor or your present or future safety; and, under all or any of these circumstances, the most powerful nation would find a sufficient motive, and be fairly warranted in making a treaty, inadequate to the purposes of equal retribution and indemnification.

The causes which led to the making of the treaty under consideration seem to be of the latter kind; that is, for the reparation of friendly relations which once subsisted between this Government and Spain, and for the redress of grievances which occurred during the suspension of those friendly relations; and is expressed in the treaty to be for spoliations committed on our commerce, or "unlawful seizures made by Spain of the property of our citizens." As the causes or motives which led to the promulgation of this treaty are only adverted to as matters of reference in its construction, and as they are set out in the treaty itself, it would seem a waste of time (which has now become very precious) to go into a detail of the various aggressions which induced this Government to call upon Spain for indemnity, and more especially as every honorable gentleman in this House must be well acquainted with them.

The next inquiry which occurs is, what is the nature of the obligations imposed upon the contracting parties? Every treaty comprehends several duties or obligations. Those which arise between the contracting Powers as bodies politic;

those which exist between the citizens or subjects of those Powers; those which subsist between the respective Governments, and the citizens or subjects of each Power; and those which are common to the Government, and its own citizens or subjects. Without going very deeply into abstract reasonings, it seems necessary to inquire a little into the nature of Governments, to come to a correct conclusion upon the case before us. Man, in a state of nature, independent of all political regulations, is bound to act honestly toward his fellow-man, and to do him all the good he can without subjecting himself to an injury; hence, where one man in this state of existence does another an injury, that other has a right to indemnity in some mode allowed by the law of nature, and, under such circumstances, might redress his own wrongs. But, having entered into the social compact, he is precluded from doing so: and, being so precluded, he has a right to call upon his Government to do that for him which he is not at liberty to do for himself; but, at the same time, that he has a right to call upon his Government to redress wrongs committed against him by other Governments or their subjects, he has no right to expect any other reparation than that which he himself could have obtained, with competent power to enforce his claim; or, in other words, he can have no claim to an indemnity from his own Government which would not have been in the power of the aggressor to make. The examination of these principles will lead to a correct understanding of the obligation which the Government is under to those claimants for whose benefit the money in this bill is to be applied. Let us for a moment refer to the relative situation of the Government to those claimants, and see how they stand toward each other. It is a well established, fundamental principle of the social system, that a man gives up a share of his natural rights and privileges, that he may have the remainder better secured to him; and one of those privileges which he surrenders, as before hinted, is his right to redress his own wrongs; and having given up that privilege, he has a right to expect of his Government to redress them, so far as shall be convenient and proper, taking into view every circumstance connected with its accomplishment. The Government, therefore, takes upon itself the task of redressing the wrongs of its subjects or citizens, agreeably to the principles before stated, keeping always in view the good of the whole community. Therefore, when it makes a treaty with an aggressing Power, it is its duty to provide for its own indemnity and the indemnity of all its subjects, if convenient, and reasonably practicable; hence, it becomes a protector or guardian for them, not only to see that other nations do them justice, but to do them justice itself; and from this parental and protecting character, and none other, arises all the claims which its citizens or subjects have upon it; and for the purpose of carrying into effect all its functions with the greater facility, it is divided into departments, each of which has assigned to it certain limited and defined powers, and which every other department, as well as every citizen, is bound to respect, confide in, and submit to, so long as it acts within the sphere of its own authority; among these departments, or divisions of the Government, is the treaty-making power, and which is as perfect and absolute in the exercise of its various functions, and is entitled to as much deference, as any other power acting within the scope of its authority; and when that power has been exerted upon a particular occasion, its act is binding, not only on those immediately connected with the transaction, but upon the whole community.

Having examined the general powers of the Government, and its duties towards individuals who compose it, so far as they seem necessary for my purpose, I will apply those principles to the case before us, and see what will be the result. If I have laid down a single principle which is not substantially warranted by the authorities, or which will not stand the test of ethical analysis, I shall be open to correction and conviction by honorable gentlemen opposed to me. In this case, then, the Government of Spain has made unlawful seizures of the property of the claimants; this Government, as the guardian and protector of their rights, has interposed between them and Spain, and concluded the treaty now under consideration, to indemnify and remunerate them for losses sustained in consequence of such unlawful seizures. For the clear understanding of the nature of the obligation of the Government to those claimants, it will be necessary to give the several clauses of this treaty a separate and distinct consideration. As it regards the adequacy or inadequacy of the redress secured by it to those claimants; or, in other words, whether it be a provident or improvident treaty, I conceive, is not a subject for our present consideration. If, however, I were to give an opinion, I should say we had a right to presume it was the best that could have been gotten at the time. There is no honorable gentleman in this House that does not know the deranged—nay, the miserable vassal and bankrupt condition of that nation at the time it was made. And, although it may suit some honorable gentlemen to decry the treaty and the treaty-makers, I am disposed to make the best of the one, and think the most charitably of the others. Yet, however improvident the whole treaty may be, and inadequate the redress to the claimants, it is not for us now to change the nature of the former, or make up the deficiency in the latter; a duty has devolved upon us to carry it into effect, according to the terms of it, as the treaty-making power has laid them down—for that having passed upon it, it is conclusive with us. It is a co-ordinate branch of the Government, it has its powers to exercise, and its duties to perform; and, having performed them, it is not for us to violate our trust by trampling upon its authority, even if it had acted wrong; for, by so doing, we should make ourselves *particeps criminis.* If the honorable gentlemen who signed this treaty have looked over the interests of these claimants, and have taken an insufficient indemnity, let the responsibility rest with them; let us do our duty, and carry it into effect, in the manner they have prescribed. It was their duty to make the treaty; it is ours to carry it into effect according to its terms. The honorable gentleman from New York cannot see in this treaty a triple alternative; I think I can very plainly see a double one.

The language of the treaty is: "The Government may, after the Commissioners shall have 'admitted and allowed the claims to an amount 'not exceeding five millions of dollars, pay them 'immediately at the Treasury, or in the creation 'of stock at six per centum per annum, payable 'from the proceeds of sales of the public lands in 'the territories ceded, or in such other manner as 'the Congress of the United States may prescribe 'by law."

If these, then, are the terms of the treaty, what is the duty of the Government resulting from it, as regards the claimants? It is the duty of the Government now to discharge its obligations to the claimants in good faith, according to equity and justice. Obligations between the Government and the people are like all other obligations, and ought to be construed like them. I lay down the following as correct rules of construction with regard to contracts: All implied contracts (of which this is one) are to be construed according to equity and natural justice, taking into consideration all the circumstances connected with the transaction, or that thing which forms the consideration for making it. That each has a right to have it performed according to his reasonable expectation. That, in express contracts, where there is an alternative, or more than one mode of discharging them, the obligor has a right to select which of the modes he pleases; but when he has selected his mode, or made his choice, he is not at liberty afterwards to change it without the consent of the obliged. I further lay it down, as a fundamental principle with regard to trust and trustees, that the trustee can never be made accountable beyond the value of the trust estate, and that, where money is to be paid out of a certain or uncertain fund, you can never make the trustee or holder of the fund pay the money out of his own estate; and in no case can he be required to pay it until it becomes due. Here, then, it appears clearly, by the terms of the treaty, that the Government intended to reserve to itself the right to take into its own hands the fund out of which this money was to be paid, if circumstances would seem to warrant it—that is, if it should appear the lands were likely to turn out a productive fund, the object of the Government, no doubt, was to hold the land and pay the money immediately at the Treasury, or in such other manner as Congress might prescribe. Several reasons for such construction urge themselves upon the mind with great force.

It is said, by an honorable gentleman on the side of the question with myself, who is somewhat acquainted with its geography, that, although it is called "a land of flowers," it is, in fact, a land of sand heaps, musquitoes, frogs, serpents, and alligators. I know nothing of it myself, except what I have gathered from the general history of the country. But, I presume, its history or geography, at the time of the purchase, was very little known, which rendered its value very uncertain indeed, besides which, it may be recollected, that, by that same treaty, a part of that beautiful country, west and south of the Sabine river, and said to be more valuable than all the Floridas, was ceded to Spain as a part of the consideration for making the treaty—leaving it, indeed, very doubtful whether all the lands ceded to the United States would be more than sufficient to the demands of those claimants. Again, it does appear evident, that something of this kind must have borne weight with the treaty makers, as they have only undertaken by the treaty to secure to the claimants, a sum of not more than five millions of dollars—leaving the balance, which is said, by some, to amount to more than ten millions, to future negotiation or total abandonment, guarding, very cautiously, all the time, against pledging the Government, in any shape, for more than five millions of dollars. And further, for the very purpose of meeting the contingent or uncertain value of the Florida lands, they introduced the optional provision in the treaty, before alluded to, which secures to the Government the right to keep those lands, should they be found valuable, as an indemnity for the cession of the lands beyond the Sabine; and at the same time to exclude the idea of a responsibility beyond the value of the Florida lands. The Floridas, while under the dominion of Spain, had already occasioned a hiatus in our sovereignty along the Gulf. To obtain possession of it, therefore, was considered a matter of great importance; and, no doubt, a sacrifice of a portion of land beyond the Sabine was made for the purpose of accomplishing an object of so much importance to the Government as that of securing the control of a maritime frontier, from the northern extremity of Maine to the mouth of the Sabine. I think, then, I am fairly warranted in saying, that, considering every circumstance connected with the transaction, the deranged and impoverished condition of Spain, the probability of her total incapacity to make any reparation for injuries done us, the peculiar situation of the Floridas in relation to the United States, and the necessity of taking them, or nothing, this country at the time, still bleeding with wounds inflicted by a recent war, the facility, which its possession by a foreign Power gave to drain the Southern country of its black population, the miserable imbecility and corruption of the Spanish authorities, calculated rather to favor than detect and punish piracies; besides the reflection that the sinuosities and indentations of the coast, being eminently calculated to furnish a safe retreat in case of pursuit—hence, I say, under all these considerations, it was thought advisable to obtain the dominion and sovereignty of the country, if it could be had without actually paying money out of the Treasury—and hence, the sum stipulated to be paid the claimants was limited not to exceed five millions of dollars; and, at the same time, the payment confined to, and contingent upon, the value of the proceeds of the sales of the public lands in those territories. This accounts, too, for the peculiar phraseology of the treaty in stating, "The five millions to be paid by 'the creation of stock, bearing an interest of six 'percentum per annum, payable from the proceeds 'of the sales of the public lands, within the territories ceded." If it were intended that the whole of these claims should have been paid, why limit them to five millions? or, if it were intended that even this sum should be positively and unconditionally paid, why introduce the above restrictive clause? Why, I say, make it payable by the creation of stock with interest payable from the proceeds of the sales of those lands? The reason, I think is very obvious. It was never intended to pledge the Government beyond the value of those lands, and at the same time to make for the claimants the best possible bargain that could be, under these restrictive circumstances. I am here met by a position taken by some of the friends of this bill, that Government is bound, at all events, to pay the interest, annually, on the stock created, and that to issue it, redeemable only out of the proceeds of the sales of the lands in Florida, would be creating a stock, in its nature irredeemable, which is always unfavorable, say they, for the Government, as it goes to create a perpetuity, except at the caprice of the holder.

In reply to this proposition, I would remark, (and I think I am warranted by the rule of construction and the language of the instrument in making it,) that you cannot torture the words of the treaty, or so distort its meaning, as to draw from it such a conclusion. If the treaty-makers had intended that such construction should be given to it, why were they not explicit—why not put down the very words *to be paid annually?* Why use the circumlocution they have, when they might have come to it at once? Why leave it in doubt, or to construction? I say they have placed it, in my mind, beyond all doubt, and I conceive, in the mind of the whole world, except by the most unnatural distortion of the fair import of the words. Why did they not say the claims should be paid by the creation of stock at six per centum per annum, if such was their intention? If such language had been used, and they had stopped there, there could have been no misunderstanding, even with the most illiterate; or had they said they should be paid at the Treasury without saying more, no men—not even the claimants themselves—could have pretended to misunderstand them. They might have been much more concise, and have only said, the United States shall satisfy the claimants to the amount of five millions of dollars; that would have ended the matter with the most sceptical mind, and Government would have been left to its discretion to pay it in any way satisfactory to the claimants. But they have gone on and said, "Those claims should be paid, not exceeding five millions of dollars, in the creation of stock, bearing an interest of six per centum per annum, payable from the proceeds of the sales of the lands in the territories ceded;" and the friends of the bill supply the words *payable annually,* not out of the proceeds of the sales of the lands, but at the Treasury of the United States: for such is the effect of the construction for which they contend. Here principles for which I contended in the outset apply. The Government becomes a trustee for the claimants; it has negotiated for them; has made the best bargain it could for them, without going into a doubtful contest with the sword. It has secured to them a fund of uncertain value, of which it is willing to give them the whole benefit, if it becomes necessary to the satisfaction of their claims; reserving to itself, however, the right to the surplus, if any there be. I say that it is a fair presumption that it was the best bargain that could have been made for them with a bankrupt nation. The Government being the natural, or rather the legal guardian, of the claimants, it stands completely in the place of a trustee for them, and by no principle in equity can it be required to pay more than the value of the fund which it holds. Let it be however a good or bad bargain, it has been made by the treaty-making power of this country, a power over which this House has no immediate legal control. It is a contract completely binding upon this House, the nation, and the claimants themselves; and unless we mean to trample upon one of the constituted authorities of the country, and usurp a power never intended by the Constitution to have been placed in our hands, we shall conform ourselves to the contract made by that power. It is the duty of the Government, as the guardian of these claimants' rights, to make the best of the funds placed in its hands for them; and if they can be paid their interest annually out of the proceeds of the sales of the lands, agreeably to the contract made for them, they ought to be paid; if not, they ought to be paid as speedily as possible, but without encroaching upon other funds of the Government. What will be the principle established by the passage of the bill upon your table? You not only set aside the solemn act of a co-ordinate authority, but, sir, you establish the principle, that, unless you can obtain complete pecuniary redress by treating with a nation, you must go to war. An honorable gentleman on my right tells you that the Government has interfered between the claimants and the Spanish authorities; it has undertaken their cause, and prevented them from seeking redress in their own way against that Power; and now, says the honorable gentleman, after interfering, and preventing them from making the best bargain they could, you are not willing to make them full reparation.

Why, sir, this is but begging the question, and is in fact only quarrelling with the constituted authorities of the country; it is admitting the Government had the right to interfere and make a bargain for the claimants, (which is the fact,) but because they have made, as gentlemen say, a bad bargain, they will not comply with it. Because the Government has not been able to obtain for them full indemnity for their losses, it must make them up for its goodness in interfering in their behalf. It is saying to the Government, you have been good enough to interpose your power, and obtain for us a partial redress of our grievances; we admit you have done the best you could, but as you have not done all you could, we now require of you to do the balance. We have trusted you to endeavor at obtaining the claims which were due to us; you have got for us all you could, but we are not satisfied. You ought to make us whole. When they are told that the Government had done the best it could for them, that is true enough, say they, but it has not done all it could—it might have gone to war; and as it has not done so, we now require it to pay us the whole amount of our claims. The principle which gentlemen on the opposite side contend for is really this: that where the Government interferes to negotiate, and cannot succeed in securing a perfect indemnity for all the losses of its citizens or subjects, it is bound, under every circumstance, to go to war, or make them full reparation for the aggressions of the enemy. What, then, sir, is the true nature of the contract between the Government and these claimants? Why, clearly, sir, that when those Commissioners, mentioned in the treaty, shall have admitted and allowed their claims to an amount not exceeding five millions of dollars, that the Government should create the stock for that amount, bearing an interest of six per cent. per annum, and issue certificates to the holders, (not subject to pay interest annually at the Treasury, as the gentlemen contend for,) but payable from the proceeds of the sales of the public lands in those territories. Suppose, Mr. Speaker, a certificate of such stock were issued for a thousand dollars, expressing upon the face of it, that it would be good to the holder for the sum mentioned, payable out of the proceeds of the sales of the public lands in the Floridas, and it were by accident to fall into the hands of any man but a stockjobber or a broker, (I have no insidious allusion to any set of men,) or into the hands of any man unacquainted with (the science of) this kind of dealing—for it has really become a matter of science at this day—would it ever strike him for a moment that he was to receive it in any other way than that expressed upon its face? I say, sir, would it ever strike him that he had nothing to do but to go to the Treasury of the United States once in every year and draw his sixty dollars' interest? Would he not be perfectly astonished, sir, on being told that that was the effect of the paper which he held in his hand? I ask the question emphatically, sir, would it not astonish him to hear, that, although these lands were not worth even the trouble of selling, yet he would be entitled to receive sixty dollars annually for his certificate. I say, sir, it would be matter of perfect astonishment. Nothing can be more plain than that the contract between the Government and these claimants is simply this: that after the claims are admitted and allowed, and not till then, they shall be paid by the creation of stock at six per cent. per annum, to be paid (principal and interest) out of the proceeds of the sales of the public lands in the Floridas, and in no other manner whatever; and, sir, as a matter of justice, it becomes the duty of the Government to offer these lands for sale as soon as convenient, and in the way best calculated to secure for them a fair price. And, sir, I say again, with the firmest conviction of its truth and rectitude, that this Government is not responsible beyond the value of the lands. The nature and extent of the obligation being thus ascertained, it will not be a very difficult matter to determine the rights of the parties or claimants under it. It may be necessary, however, to make some general observations with regard to the rights of individuals in relation to their own government. As a man, when he enters the social compact, relinquishes the right of revenging his own wrongs, or procuring redress in his own person, it is the duty of his government to do that for him which he has put it out of his power to do for himself; and to observe, at the same time, to do justice itself; but it is not to do more than justice, for whatever it does more than justice to one individual, is so much injustice done to another.

The present claimants can have no pretensions to the lands ceded, but only to the proceeds of the sales, so far as may be necessary to satisfy their claims, to the amount of five millions of dollars, and the interest on their stock, and no more; for, as the Government has interested itself so far as to permit the treaty-making power to negotiate for them, that power is unlimited in its operations, as respects the subjects within its sphere; so that, whatever stipulations it may have made in their behalf, those stipulations are conclusive between them and the Government, and no power under heaven has a right to infringe them, or set them at naught. No matter how improvident the treaty, made by the proper authority, acting within its sphere, it is binding on the Government, as well as on the individuals for whose benefit it was made. A treaty once made and ratified, no matter how absurd it may appear in its terms, it is fair to presume, was the best that could have been gotten, and that it was better, at the time, to have entered into it than to have gone to war; and were it otherwise, a nation or an individual could never be safe in relying upon a treaty. And if the treaty-making power were to enter into an absurd compact which was totally inadequate to secure the Government, or the individuals concerned, it ought never to be ratified; but, after it has received the solemn sanction of the revisory power, there is, and ought to be, an end to the matter, and the Government, as well as the individuals concerned, have no right to claim any other redress under it than *that* which it has expressly or impliedly stipulated to give them. Hence, those claimants, so long as they claim a right under this treaty, must be content to take such as is guarantied by it, or none at all; for it is by *that* and *that* alone, they have any right whatever. This position will appear perfectly clear on a little reflection. These claims are said to be due for unlawful seizures of vessels and property, which, from every appearance, were chiefly insured, and for which the insurers have made indemnity to the insured, whereby the claims under this treaty have fallen into the hands of insurance companies, brokers, and underwriters. They were adventurers in the habit of this dangerous kind of speculation, and of receiving premiums in proportion to the hazard they run; and, perhaps, with all these apparent losses, have made their fortunes, and have been quite as successful as they had a right to expect. Whatever premiums were paid them, have not been charged to the loss of the shipper, but have been put upon the goods of other shipments, with a premium again upon that premium, all which went to enhance the price of the articles, and has been paid by the consumers, and which operates as a tax upon the people at large; hence, it may be said that the people have once paid these claims; besides viewing those claims in this light, as being in some measure different from those which are the immediate result of useful labor, (though I admit them to be legal, and, indeed, honest,) the treaty-makers were, perhaps, induced to take a more precarious indemnity than they otherwise might have done. Hence, I take it, these adventurers come with a poor grace, after having made their fortunes in those hazardous speculations, and after having in fact virtually received the amount of their claims, to ask any other redress than that stipulated for them in the treaty. They could have recovered nothing from the belligerent or aggressing nation without the aid of the Government; they have, therefore, no right to expect any other redress than such as it was able to procure for them. Private adventurers, whose property falls into the hands of the enemy, are not entitled to remuneration from the Government, nor is the Government responsible for property seized by the enemy, unless the seizure happens in consequence of its having been in the occupation of the Government at the time of the seizure. I believe, sir, no one will contend, that, in this case, the Government was bound farther than merely to negotiate for the claimants, and make for them the best bargain it could; that bargain has been made; they are now claiming under it, and I say, and say it without fear of contradiction, that they have no right beyond it.

The next inquiry that presents itself is, what is a correct policy to be pursued under this contract, agreeably to the construction I have given it? Governments, like individuals, are bound to do justly; they are never at liberty, wrongfully, to take from one part of the community to give to another; and as they can only subsist by what they receive from the people, all which one individual, or portion of the community, receives over and above its due portion, must, as a natural consequence, be taken from the other. They are not authorized even to be liberal, unless they are thereby to attain an end of more importance than the value of the bounty bestowed; for liberality, although a virtue in an individual, may be rendered a species of oppression in a Government. It follows, of course, that whatever these claimants receive, more than the fair value of their right under the treaty, which has been made in their behalf, must be taken from the other part of the community, and so far would be doing palpable injustice to them. And, sir, I aver that, by the passage of the bill upon your table, you rob the honest, industrious part of the community of more than a million of dollars, to put it in the pockets of those adventurers, who are not at all entitled to your favor. To discover the effects of this bill, it is only necessary to examine into the principles it adopts. It proposes to create a stock of five millions of dollars, at an interest of six per cent. per annum, payable, annually, at the Treasury, redeemable at pleasure, without any regard to the special provisions of the treaty, or to the lands which form the fund out of which it ought to be paid. There are several objections to this mode of discharging this obligation of the Government to these claimants. In the first place, the money is not due to them; the Commissioners have neither admitted nor allowed the claims. We are told, to be sure, by honorable gentlemen, that they will be adjusted by the first of June next. I would ask, sir, what evidence we have of the fact? They have been in a course of arrangement now for three or four years, and for aught we know, or can know, they may continue under arrangement between the parties for seven years to come, and all this time the Government must be paying annually three hundred thousand dollars interest on the stock; and my word for it, sir, if you pay the claimants the amount of their demands, and leave them to future adjustment, you will have them adjusted with a vengeance. Or, suppose you keep the money in the Treasury, will the pleasure of having five millions in the Treasury compensate for the three hundred thousand dollars which you annually wring from the sweat of the poor man's brow? And what, sir, is the excuse urged for creating this stock at this time, before we are under any obligation to pay it? Why, sir, that we can now borrow the money at four and a half per cent. when, perhaps, as gentlemen say, we cannot, at the end of twelve months, borrow it at less than six. Let us examine this policy a little and see if it will bear the test of investigation. You are to borrow the money now at four and a half per centum per annum, or, in other words, you are to sell the stock which you create at one and a half per cent. advance, whereby gentlemen say they gain a profit of seventy-five thousand dollars. This sum, to be sure, is worth saving to the Government; but, sir, what follows? The moment you sell the stock it begins to bear an interest of six per cent. per annum against you, and in three months your profit is all gone. If your claims should remain, in the course of adjustment, for the space of a year, you are out of pocket two hundred and twenty-five thousand dollars—and I say they remain so for that time; or longer, for aught we know. We are told by an honorable gentleman from Delaware, that money is less valuable now than when this Congress commenced its present session—suppose that to be the fact, and I am not disposed just now to question it, have we any evidence it will be more valuable in twelve months from this time? What are the causes which have led to its depreciation, the gentleman did not stop to inquire, nor shall I; but the causes, I take it, are obvious, and I think it equally obvious that those causes are not likely to cease to operate within a twelvemonth, if any judgment can be formed from a view of the present state of the world, and more especially of Europe, which always has, and so long as we pursue this miserable course of policy that drives domestic industry from the country, always will have a powerful influence, not only upon our pecuniary concerns, but upon the general concerns of the nation.

Another pretext, (for it can really be no more if my construction of the treaty be correct, and that it is I have no doubt,)—I say another pretext is offered for going into this measure now, which is, that the nation is pledged to pay these claims so soon as they shall be admitted and allowed by the Commissioners appointed to adjust them, and that they may possibly get them adjusted before the next session of Congress; and, that if the Government shall not be ready to discharge them at the time they shall be so adjusted, our faith is broken, the pledge is gone, public confidence destroyed. If any weight ought to be allowed to such an argument, in any case resting upon contingencies, it cannot be admitted in this case. Such an argument would come with a very poor grace from these claimants, who have kept their claims hanging before the Commissioners for years, waiting, as I presume, for evidence, while those Commissioners were drawing upon the Treasury for their support. Why have they not been adjusted before this time? We have heard no complaint of the Commissioners neglecting their duty; the fair presumption is, that the fault, if any, is with the claimants—and even if there be no fault with either, the argument has no weight. What, sir, is the language of the treaty under which they claim? It is, that when those claims are admitted and allowed, they shall be paid by the creation of stock; hence, there can be no obligation on the Government to create the stock until they be admitted and allowed. There is no stipulation in the treaty to have the money waiting in the Treasury until it shall suit those claimants to get their accounts adjusted. It is certainly a very extraordinary doctrine to propagate in this House, that the faith of the nation is pledged to travel out of its ordinary course of legislation to accommodate a few individuals who may chance to have claims upon it. It goes the whole length of saying that we shall continue in session until it shall please those gentlemen to be ready to receive their money, or that we must anticipate them, and pay half a million of dollars interest upon the stock created, for fear we should not be prepared to pay those individuals their money the moment they get their claims ready for presentation, and thereby be guilty of a breach and violation of public honor and faith. Such a doctrine, I trust, will find but few advocates in this House, and such arguments bear but little weight with those whose minds are open to conviction. Again, sir, there is no obligation upon this Government to pay money in this case, nor is there any on the claimants to receive it. They may, therefore, if they think proper, refuse your money and require your stock, and it is stock they are entitled to; and my word for it, if your stock is better than money, as contended by some honorable gentlemen, these claimants, who from their characters are well acquainted with per cent. per annum calculations, will certainly require it, and those gentlemen who are such sticklers for public faith, dare not deny it to them. Gentlemen may tell us the public faith is only pledged for the money, as the Government is at liberty to pay them in such manner as Congress may prescribe. True, such is the language of the treaty, but those wary claimants will tell you there are three modes pointed out for the extinguishment of those claims, one of which is to discharge them with stock bearing interest at six per centum per annum; that you have thought proper to adopt that mode of payment; that you are not now at liberty to choose another, and put them off with less than their contract; money is not stock, nor stock money. The Government is bound to perform its contracts specifically, if required to do so, and money, in equity, will not discharge a contract for stock. Indeed, as I before remarked, an argument proposing to make such a change, in the nature of their contract, would come with a very ill grace from those gentlemen who are such sticklers for a firm adherence to public faith. There is another objection, sir, to the policy of this bill. You pledge the Government immediately and directly for a sum of money it never was intended to be made responsible for, but upon contingencies. In support of this position, I think I need only remind the House of the argument in relation to the construction of the treaty. The honorable gentleman from Delaware tells us that the Government is bound, at all events, to pay the interest annually upon the stock created. I have no doubt but it would be bound to do so, if there were funds in hand sufficient, arising from the proceeds of the sales of the Florida lands, and not otherwise.

If the construction which I have given to this treaty be a correct one, the Government cannot be responsible beyond the value of the Florida lands. And, sir, suppose the lands were at this time really worth more than the five millions; nay, suppose they were worth ten millions—I still insist upon it, it would not be good policy to take them and pay the claims. In the administration of the fiscal affairs of the nation, you must, in general, be governed by the same rules that govern private concerns. The great question to be settled here is, whether it would be good policy to take the fund and pay the claims or not. If it be not policy to do so, this bill ought not to pass; for, in passing it, you violate one of the most obvious principles of political justice; you take from the many that which is their right, and give it to the few who have no right. Suppose you adopt the principles of the bill, and create the stock in the manner proposed, you enter into a new contract, not immediately with those claimants, but with other persons. The moment the certificates are handed out, even suppose they fall into the hands of those very claimants, they are no longer known as claimants under the Spanish Treaty; they assume another character of creditors; they have a fair claim on your Government for five millions of dollars, chargeable with six per cent. interest thereon annually, for so many years as it may be unredeemed. And, sir, when you have done so, what have you done, and what have you got? Why, sir, you have riveted upon the necks of the people a yoke they will never be able to throw off, until they have performed the servitude, until they have served the favored few, the darling objects of this bill, to the amount of five millions of dollars—no small sum in these hard times. I say, sir, you have fixed, irretrievably fixed, upon the community the yoke, and that without any the smallest shadow of right to do so.

And, sir, what are you to get in lieu of your five millions of dollars? I will not say a land of mosquitoes, frogs, serpents, and alligators. I will suppose the best that can be said of it. You know not what you have got; you have got some wild lands in a country whose geography no man in this House can know with any certainty; you have relinquished the bird in the hand for the bare possibility of obtaining the one in the bush. You have indemnified a few insurance companies and underwriters, and have saddled the nation with a certain debt of five millions, and the interest until paid. By the bargain you drive, you violate one of the first rules of private economy, that is, "never to buy, at any price, an article you can neither use nor sell." Have you not already more public lands than you can dispose of to advantage? Are they not the greatest drug in the market? Have you not lands in nine different States and Territories? And, sir, will the Florida lands pay the interest on the capital vested? They certainly will not. If, indeed, you appropriate the proceeds of the sales of all the public lands in the United States, they will scarcely pay the debt and interest in ten years. If you make a calculation of the proceeds of the sales of the public lands in that State where the population is increasing more rapidly than in any other State in the Union, and at that period, too, when there were more lands sold, perhaps, than at any other—I mean the years 1820-1-2; upon such calculation, sir, it will be found that this debt and the interest can scarcely be paid in one hundred and fifty years. I have allusion to the State which I have the honor in part to represent. The sales of the public lands in that State, if I mistake not, averaged in the years 1820-1-2, three hundred and thirty two thousand one hundred and sixty-five dollars. From this sum deduct the interest of the debt, which is three hundred thousand dollars, and we find a balance of $32,165 to be applied annually to the extinguishment of the original debt. And, sir, can you hope that the lands in Florida will ever be as productive as the lands in Indiana? If so, it is a vain hope, which will never be realized.

One further view of this subject, and I have done. Gentlemen may endeavor to make themselves believe those calculations are fallacious, and my views visionary. I presume a fair method of calculating, and one that no honorable gentleman can object to, will be to compare the value of the two kinds of stock. What would be the difference in value of stock, payable from the proceeds of these lands, the value of which is totally unknown, and the value of that kind of stock proposed by this bill? The one directs you to the Treasury of the United States annually, for the sum of three hundred thousand dollars; the other leads you through this land of reptiles described by my friend from Virginia. I say, what is the fair value of each, and what the discrepance? This tests the policy of the bill. I put it to every honorable gentleman in this House, what difference would you make in the price of the stock? Would you make 20 per cent.? If so, you are throwing away a million of dollars on the claimants. But, sir, I say there is forty per cent. difference; and, if so, you are throwing away two millions.

Mr. Speaker, I intended to have gone more into detail upon this subject, and am sorry my state of health will not admit of it. However, as I remarked in the outset, I can hardly hope to have changed the opinion of one honorable gentleman in this House. I can say no more: nor could I have rested satisfied to have said less. I do think this bill is, in its operation, calculated to defraud the public. And, sir, I can never consent to stand and look on in silence, and see the honest community defrauded of its rights in any form: and, sir, if this bill passes, I say it robs them of two millions of dollars.

When Mr. Test had concluded—

Mr. Randolph moved its recommitment to the Committee of Ways and Means, and supported the motion by a speech.

The question being taken, it was decided in the negative—ayes 73, noes 93.

The question then recurring on the passage of the bill—

Mr. McLane, of Delaware, rose, and delivered, at considerable length, his views, in reply to the gentlemen who had opposed the bill.

Mr. Livingston also spoke on the bill; and Mr. Wright renewed the motion to recommit the bill.

After some remarks from Mr. Bartlett, the question was again taken on recommitting the bill, and decided in the negative.

The question was then taken on the passage of the bill, by yeas and nays.—For the bill 117, against it 66, as follows:

Yeas—Messrs. **Abbot, Alexander of Virginia, Allison, Archer, Baylies, P. P. Barbour, Bartlett, Bassett, Blair, Breck, Buchanan, Buck, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Carter, Cary, Cassedy, Cobb, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Farrelly, Foot of Connecticut, Foote of New York, Forsyth, Forward, Frost, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Hemphill, Hobart, Holcombe, Houston, Jenkins, Kent, Kidder, Kremer, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Little, Livermore, Livingston, Locke, Longfellow, McKee, McKim, McLane of Delaware, Mark-**

ley, Martindale, Matson, Mitchell of Pennsylvania, Mitchell of Maryland, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Pennsylvania, Plumer of New Hampshire, Poinsett, Rankin, Reed, Rose, Saunders, Sharpe, Sibley, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Storrs, Strong, Swan, Tattnall, Ten Eyck, Thompson of Georgia, Tracy, Tucker of Virginia, Tucker of South Carolina, Vinton, Webster, Whipple, Whittlesey, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wood.

Nays—Messrs. Adams, Alexander of Ten., Allen of Massachusetts, Allen of Tennessee, Barber of Connecticut, J. S. Barbour, Beecher, Brent, Brown, Buckner, Campbell of Ohio, Cocke, Conner, Ellis, Garrison, Gazlay, Harris, Hayden, Henry, Herkimer, Hooks, Ingham, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Leftwich, Letcher, Long, McArthur, McCoy, McKean, McLean of Ohio, Mangum, Marvin, Matlack, Metcalfe, Moore of Kentucky, Moore of Alabama, Patterson of Ohio, Plumer of Pennsylvania, Prince, Randolph, Reynolds, Richards, Ross, Sandford, Scott, Sloane, Standefer, Sterling, Taliaferro, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Vance of Ohio, Van Wyck, Whitman, White, Wickliffe, Wilson of Ohio, Woods, and Wright

So the bill was passed, and sent to the Senate for concurrence.

Saturday, May 8.

Mr. Newton, from the Committee on Commerce, reported a bill to establish Bowdoinham, in the State of Maine; Troy, in the State of New York; and Fairport, in the State of Ohio, ports of delivery; which was read twice, and laid upon the table.

The bill from the Senate "for the relief of William Duane," was read a third time, passed, and returned to the Senate.

Mr. Allen, of Massachusetts, called up his resolution for adjournment; but the House being thin, and Mr. Cocke having moved for a call of the House, Mr. A. waived his call for the present, giving notice that he should move for the consideration of the resolution on Monday next.

POLICE OF THE CAPITOL.

The engrossed resolution for the regulation of the police of the Capitol, (one provision of which authorizes the extension of the authority of the corporation of Washington to the public grounds about the Capitol,) was read a third time. Mr. Wood, inquiring the particular object of the latter provision, Mr. Lathrop, in the absence of the chairman of the committee who reported it, said, that, as he understood it, the object was to give such authority to the corporation of Washington as should carry into effect its provisions against the establishment of grog-shops or stands, on the public property, &c. A motion was then made to lay the resolution on the table, and agreed to.

Subsequently, the resolution was again taken up, on the motion of Mr. Mercer, and the question being on its passage—

Mr. Cocke spoke against that part of the resolution which authorizes the appointment of a deputy, by the Marshal of the District, during each session of Congress, to attend and preserve order in the precincts of the Capitol, considering it wholly unnecessary to appoint an additional officer, while the House had so many officers and messengers, &c.

Mr. Mercer expressed his regret that this resolution should give rise to any discussion, but went on to say, that some provision of the sort was absolutely necessary. There is now no police in the central part of the Capitol or its exterior, &c. The exhibition (of the Panorama of Paris) now going on in the centre building, was by permission of the officers of the two Houses, but not by their authority, for the obvious reason that they have no authority there. As to the officers of this House, they cannot attend to the police of other parts and avenues of the building, because their presence is necessary here, to attend to their duties within this Hall. There were a variety of petty offences liable to be committed on the premises, which it was necessary to the dignity and character of this House to provide against.

The resolution was further opposed by Mr. Ross, on the ground of the sufficiency of this House, by its officers, to protect its own dignity, &c.

The resolution was further supported by Mr. Wood, who said, having examined the resolution, he was decidedly in favor of it, and would even go further, if it were necessary. It was obvious to every sense, that there were nuisances here which required removal, some of them, he intimated, of such a nature that there was no man of honor whose moral sense must not revolt at encountering them, &c. He hoped, therefore, that the resolution would pass.

Mr. Livermore, of New Hampshire, said, that the gentlemen who supported this measure seemed to be very much alarmed by something, which for his part he did not understand. We have sat here, said he, for many years, without any inconvenience to the body politic, or, as far as I know, to the body natural. I should be as willing as any one to expel from the temple those who sell doves for the sacrifice; but the doves of Venus will not, I believe, fly in the face of any one, if he will let them alone. We do not, therefore, want a police here to protect ourselves from such evils as these. We have a doorkeeper, with his deputies, and an assistant doorkeeper, always on their posts, (except that we have given the latter leave of absence for a while.) I thought, too, sir, we had the power of exclusive legislation over this District; but this resolution proposes to put us under the protection of the corporation of Washington. Not believing this to be necessary, I move to lay the resolution on the table.

The question on this motion was determined in the affirmative, by a small majority.

VIRGINIA MILITARY LANDS.

On motion of Mr. Vance, of Ohio, the House took up the bill "authorizing the President of the

United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts' lines, in the State of Ohio."

[This bill provides, "That the President of the United States shall be, and he is hereby, authorized to ascertain the number of acres, and, by appraisement or otherwise, the value thereof, exclusive of improvements, of all such lands lying between Ludlow's and Roberts's lines, in the State of Ohio, as may, agreeable to the principles of a decision of the Supreme Court of the United States, in the case of Doddridge, lessee, against Thompson and Wright, be held by persons under Virginia military warrants, and on what terms the holders will relinquish the same to the United States; and that he report the facts at the commencement of the next session of Congress."]

Mr. P. P. **BARBOUR**, of Virginia, presented a memorial on the subject, which had been transmitted to him by an individual in the State of Ohio; which was read.

Mr. **VANCE**, of Ohio, stated the grounds of the bill, and the merits of the titles which are proposed to be quieted by it. He replied, also, to certain statements in the petition just read, which he considered not entirely accurate.

Mr. P. P. **BARBOUR**, with a view to cover as well the claims not located, as those which are, and which it appeared to him equally proper to provide for, moved to lay the bill on the table, to allow him time to prepare an amendment for that purpose.

Mr. **VANCE** said, that, however the description of claims referred to by Mr. **BARBOUR** might require future legislation, he did not think it ought to be connected with this bill, which embraced a distinct class of cases.

Mr. **BARBOUR** withdrew his motion, with a view to introduce his proposition separately from it.

Mr. **WICKLIFFE**, of Kentucky, moved to amend the bill by adding to it a provision requiring a statement of the amount paid by the purchasers to the General Government for the land, and when paid, to be included in the communication to Congress.

After some observations from Mr. **RANKIN** and Mr. **VANCE**, this motion was withdrawn by the mover, under the impression that the information might be otherwise obtained.

Mr. **MCCOY**, of Virginia, expressed his doubts of the expediency of legislating on this subject at all. When Congress did legislate on the subject, they ought, at least, to give the holders of military warrants the option of locating the warrants on other lands than those now open to them, &c.

Mr. **MCARTHUR**, of Ohio, feeling himself interested in this bill, said he should decline voting upon it. He stated, however, some of his views on the subject, one of which was, that the bill was one-sided, regarding the United States only. and could not prejudice any interest of the United States. He had hoped the claimants under Virginia would have been allowed a participation in the investigation proposed by this bill, but the committee, it seemed, had determined otherwise. Some of the statements in the petition which had been read, he pronounced to be false, and it had apparently been drawn up without any knowledge of the decision of the Supreme Court.

Mr. **VANCE**, of Ohio, further explained and defended the provisions of the bill, gave a history of the case embraced in it; and, on his motion, the report of the select committee in the case, was read.

The bill was then ordered to be engrossed for a third reading, without opposition.

NAVIGATION OF WESTERN RIVERS.

The House took up the report of the Committee of the Whole, made yesterday, upon the bill making an appropriation towards removing the sand bars and obstructions to the bed of the Mississippi, Ohio, and Missouri rivers, and the question being upon agreeing to the amendment, which introduces a substitute for the original bill—

Mr. **BUCHANAN**, of Pennsylvania, objected to the amendment, as too far enlarging its extent, and leaving it without a sufficiently definite object. If a system of internal improvement were to be adopted by the General Government, he should not be hostile to the object of this bill as a part of it. Considering this amendment as not sufficiently specific, or guarded, he should, if it succeeded, be obliged, under present impressions, to vote against the bill.

Mr. **SHARPE**, of New York, was in favor of the object of the bill, but had considerable doubt of the practicability of the means proposed to carry it into effect. In New York, he said, large sums of money had been appropriated for dams and sluices, &c., in its great river; and, after the expenditure of all this money, the navigation of the river was worse now than it was before ever a dollar was laid out upon it. The moment a bar was removed from one place in the river, a substitute for it was created in another. Those bars had increased to such an extent, that the steamboat cannot now find her way to Albany; and he feared that the attempt to remove the sand bars in the Ohio, Missouri, and Mississippi rivers, might place those rivers in the same situation. We may begin, said he, with $75,000, which is a very small beginning; we may remove the bars from one place, but I fear it will only be to create them in another, &c. The bill, he thought, proposed to begin on too large a scale; and, if he was compelled to vote on a proposition so general as this amendment, he should be compelled to vote against it.

Mr. **HENRY** said, the bill on the table proposed to test the great system of internal improvement, by its application to a precise and definite object. The advocates of that system, said he, have taken high ground. They contend that Congress have power to establish roads and canals, and to improve existing channels of intercourse, for national purposes; and that it is expedient to exercise it. Their adversaries, with some few exceptions, waive the question of expediency, and stake their whole defence upon a denial of the power.

Before I proceed to notice the main question, I take this opportunity to declare, that I am a friend of State sovereignty; that I regard it, in its appropriate sphere of action, as the best security for the success of our great Republican experiment; and that I would be among the last to give my assent to the passage of any law, however apparently expedient, which could only be enacted by encroaching upon those powers, which have been exclusively retained to the States or to the people.

After the elaborate and able discussion which has already taken place, during the present session, upon the bill "to procure the necessary surveys for roads and canals," it would be almost presumptuous in me to enter at large into the Constitutional question of power. I might, indeed, assume it in argument, to be the settled rule of the Government that Congress have the power to do what is proposed to be done by the bill under consideration. I might, also, fairly contend, that the Constitutional difficulty is not at all involved in the present investigation. Let it be remembered, that the Ohio and Mississippi rivers, are the boundaries of neighboring States; and, with the exception of Louisiana, that they do not pass through the territorial limits of either of the States; that they are the common commercial highways of all who inhabit the vast regions through which they flow; and are justly regarded, not as the property of particular States, but as common stock—as national property. The inquiry, therefore, shall be directed, throughout, to the naked questions of expediency, necessity, practicability, and propriety.

In the particular case before us, it could not be expected, that a single State would take upon herself the burden of accomplishing an object, in which so many other States were equally concerned. And, if she were willing to do so, it is certain that the plans adopted for the purpose, would be satisfactory to all who are interested in the result? Might not jealousies, feuds, and border animosities ensue, gradually engendering those hereditary hatreds, which would, by and by, break out in open hostility? But, suppose an association of several States is formed, for the effectuation of this desirable object; would the mischief be diminished? The patriots who framed the Constitution, were not indifferent to the dangers to be apprehended from the supposed or actual existence of separate interests, which might, eventually, give birth to several distinct confederacies, each pursuing its own objects in its own way.

Among the leading motives, which led to the adoption of that instrument, the necessity of guarding against such sectional and selfish alliances, was not the least influential. And who would not shudder, to see a combination among the States and Territories composing the valley of the Mississippi, for the protection of a class of interests which were avowed and admitted to be peculiar to themselves? If we regard the Union as worth preserving, we must sedulously avoid every tendency, in principle or in practice, which might, by possibility, endanger its security. Let the people look to the national Government, as the fountain of all benefits, which are to be felt by the whole nation, or by more than one of its members. We shall thus avoid, not only those petty contentions, which merely disturb the public tranquillity; but also those dreadful disorders, which might, at some distant period, rend in twain our glorious and happy Union.

Let us next inquire, whether it is necessary to exert that power "to improve the navigation of the Ohio and Mississippi rivers?" The report upon your table exhibits a brief narrative of facts, making out the strongest possible case for the interposition of Congress. The bars which cross the channel of the Ohio, render it impassable, except by vessels of the smallest size, during six months of every year. The obstructions to the navigation of the Mississippi are not peculiar to any season. They proceed from the impetuosity of its current, and the nature of the country through which it rolls on its resistless mass of waters to the ocean. Its navigation is always dangerous; and the surprise, which a passenger could not but feel, after a survey of its numerous impediments, would be, not that so many boats were wrecked, but that so many should escape. It may be safely affirmed, that a stronger case for the interference of Congress can never occur.

In relation to the plan recommended in the report, and provided in the bill, for improving the navigation of the Mississippi, I am happy to find that there is no division of opinion. As regards the navigation of the Ohio, I am sorry to perceive that we are likely to encounter more difficulty from collision among ourselves, than from all other sources of danger put together. In order to meet the views of an honorable gentleman from Pennsylvania, (Mr. Stewart,) and, also, to gratify several gentlemen from Ohio and Kentucky, I consented to such a modification of the original bill, as would extend the contemplated improvements to Brownsville, where the national road crosses the Monongahela. This, however, was not acceptable to another gentleman from Pennsylvania, (Mr. Buchanan,) who has submitted an amendment, substantially restoring the provision of the original bill, with the exception that the mode of operation is left, in each particular case of obstruction, to the discretion of the engineer. It is impossible that gentlemen should think precisely alike. In such cases, it is the duty of a legislator to concede something, in deference to those whose judgments he is obliged to consult, and whose good will he must conciliate. I exhort my worthy friend from Pennsylvania, (Mr. Stewart,) the firm and vigilant sentinel of the interests of his constituents, with whom I have acted with so much pleasure on former occasions, not to withdraw his countenance and his aid from this measure, because he cannot get it fashioned, in all respects, according to his wishes. It is of paramount importance to obtain a recognition of the principle embraced in the bill, and the particular modification of it is comparatively immaterial. For the sake of conciliating the opinions of all who are friendly to the principle, I am willing to yield my own opinions as to its details; and, with this view, I do not hesitate to accept the amendment. In the mean time, the honorable gentleman from Pennsylvania, (Mr. Stewart,) and all others who think and feel with him, may assure themselves that when the great scheme of internal improvement comes to be matured, the removal of every obstacle to the free and safe navigation of this noble river, will claim and receive the early and special attention of Congress.

But the gentleman (Mr. Stewart) objects to the amendment because it requires an experiment to be made upon one of the six bars, indicated below the falls of Ohio, and makes the improvement of the remainder of said bars dependent upon the success of that experiment. Now, to me, there seems to be no just grounds of objection upon this score. A similar provision is to be found in the original bill. Upon much reflection, I then thought such a provision necessary, and I think so still. Anxious as I am, sir, for the improvement of Western navigation; sensible, as I have long been, that we have a just claim to an equal share of the benefits resulting from the expenditure of money; and happy as I should be to hasten and to hail the day when the great system which will contribute so much to equalize that expenditure, is put fully into operation, I am still more anxious that the Government should get a good bargain for every dollar that is expended in the West. I wish for no lavish or unjustifiable appropriation of the public money. My sole object is, to promote such lasting and valuable improvements as will benefit the whole community; and, when we draw money from the public Treasury, to be sure of getting a fair equivalent, to the objects upon which it is expended.

Having thus endeavored, I trust not in vain, to bring the friends of the principle together, upon the ground of mutual concession, I will direct your attention, for a moment, to the vast importance of the interior communication which the bill proposes to facilitate, and the value of the commerce of which it is the channel. Upon this head, it will be sufficient to say that eight of the States, together with all western Pennsylvania and Virginia, and two Territories, have scarcely another vent by which the surplus productions of their industry can be conveyed to market.

The Government has done much for the protection, I might almost say, for the creation, of foreign commerce. What are the principal stipulations in all our treaties with foreign Powers? The regulation of commerce. Why do we maintain diplomatic relations with the nations of Europe and America, at an annual expense exceeding $100,000? For the protection of foreign commerce. Why do we submit to pay tribute to the piratical States of Barbary? For the protection of foreign commerce. For the same purpose we establish lighthouses, seawalls, buoys, and remove all obstructions to the navigation of the bays, harbors, and inlets, which communicate with the ocean. To say nothing of the late war, which was commenced for commercial aggressions, during the last year we fitted out a formidable and expensive naval armament for the extirpation of the pirates, whose wanton depredations had become the terror and the scourge of our commercial adventurers in the Gulf of Mexico. We complain not of this. It was all right. It is the duty of the nation to cherish, by every means in its power, the prosperity of this great interest. We have borne our share of the burden; we have borne it cheerfully. But, whilst so much has been done, and is still doing, for the benefit of the seaboard, may we not insist that it is high time to do something for us? Whilst the care of the nation is liberally extended to every other interest, shall the farmer, the staff of the Government, be comparatively neglected? We now put it to the magnanimity and justice of our Atlantic brethren to say whether they will not protect our agriculture and our internal commerce, against the bars, the sawyers, the planters, the snags, those stationary pirates of the Ohio and Mississippi?

In point of expense, there is no doubt that the heavy losses sustained upon those rivers, in a single year, would be more than sufficient to defray the whole charges of the proposed improvements. In the report upon your table, the average estimate of loss, by accidents, in each year, is stated to be from five to ten per cent. From five to twenty per cent. would have been nearer the truth. In that report, there is also a passing allusion to a most shocking calamity—the loss of the steamboat Tennessee; a disaster which is hardly surpassed in the annals of shipwreck! I do not mean to harrow up your feelings, by dwelling upon the sad particulars of that dreadful scene! I hope, however, that the recollection of the ills we have suffered will beget a lively attention to this great concern; and that we shall deserve that high recommendation—

> "The Congress let no partial favors fall;
> The people's servants, they protected all."

Mr. Bassett, of Virginia, denied that the people of the Atlantic States derive any other benefit from foreign commerce than such as the people of the West equally participate in. To both of them, commerce furnished, at diminished cost, and with increased facility, articles of necessity or convenience, &c. The lighthouses, and other expenditures of that sort, he said, were not for the benefit of the persons living near them, but of the whole country, and, properly considered, the people of the West were as much interested in them as the people of the East. Mr. B. decidedly objected to the principles of this bill, which he considered to be as unconstitutional as if the Constitution itself rose up against it. He considered it directly in the teeth of the Constitution, and was therefore opposed to it in any shape.

Mr. Wickliffe, of Kentucky, replied at large to Mr. Bassett. He explained the nature of the obstructions to the navigation of the Western rivers, and the importance of removing them, if practicable. The Mississippi and the Ohio, he said, were not interior but boundary rivers. They washed twelve States and Territories, and formed the only channel of communication with the ocean. His plan for executing this improvement, he said, would be, first, to remove the snags in the Mississippi, because the improvement in the navigation of rivers must begin at the mouth of them, &c., and thence to proceed up the river.

Mr. Buchanan, that he might be distinctly understood as to how far he was willing to go on the subject, stated the comparative merits of the bill, and the amendment now under consideration. By the bill, an experiment was to be made in removing a sand bar; if successful, it was to be followed up by other similar operations; if not, the attempt was to be abandoned. The amendment, however, reported by the Committee of the Whole, was as indefinite in its terms as language could make it; it pledged the Government to proceed to remove every obstruction to navigation from the town of Brownsville to the mouth of the river Ohio, and down the Mississippi, and this Herculean work was proposed by an amendment to the bill, which could scarcely be understood, as read from the Clerk's table. Mr. B. said he was friendly to the improvement of the navigation of the Western waters, and also to the improvement of that of the Susquehannah, the Hudson, and the Connecticut, and he was willing that the experiment should be made in the Western waters, before it is made in the Susquehannah, though he by no means admitted that they possessed superior claims. His objection was, not to the object of the bill, but to the indefinite terms of the amendment.

Mr. Stewart, of Pennsylvania, having been one of the members of the committee which reported this bill, and assisted in preparing the amendment, rose to explain the grounds on which it was presented to the House. He adverted to the surveys and reports which had been made by the commissioners appointed for that purpose, furnishing all the facts of the actual condition of the river, and recommending the very measure now proposed for improving the navigation. The losses sustained at present by those who navigate the rivers Ohio and Mississippi, were estimated as high as from five to ten per cent. on the amount; and, when it was recollected that the commerce with Pittsburg alone amounted to a million and a half of dollars, the amount of the annual loss would be enormous, and to justify a much larger expenditure than is now proposed. He compared this expenditure with those for improving and protecting other bays and rivers, affecting but one or two States, whereas eleven States bounded on this river; and asked with what conscience gentlemen on the Atlantic could ask this House for a hundred thousand dollars a year for its lighthouse establishment, and refuse the people of the West, for their navigation, this pittance of $75,000.

Mr. Brent, of Louisiana, had no objection to the object of this bill, but considered the amendment, as it now stands, embracing as well all the tributary streams as the main streams of the Ohio and Mississippi, as too comprehensive; and moved an amendment, the object of which was to confine it to the latter.

Mr. Sharpe made some additional remarks on the subject, the general import of which was, that he thought the appropriation now to be made ought to be confined to the purposes of an experiment.

Mr. Mercer, of Virginia, delivered those views of this subject which his personal knowledge and investigations suggested. Any attempt to extend the improvements of navigation to the streams tributary to the Ohio, would, he believed, be entirely inconsistent with any reasonable limit to the expenditure on this object; for, he believed, nothing short of a canal the whole way from Brownsville to Pittsburg could effect a navigation of that distance. He was in favor of the amendment of Mr. Brent, with a farther amendment, that the expenditure should commence from the mouth of the Mississippi. At some future day, he hoped to see a general system adopted for the purposes of internal improvement, founded on the very local feelings which opposed any improvement of a particular point, by embracing all objects of this description calling for the national interposition. Mr. M., in conclusion, exposed the error of those who attribute to the seaports the payment of the imposts, which are not paid by them, but by the consumer, in the West as well as the East—and the error, on the other hand, of supposing that expenditures for improving navigation profited only those who lived near the seat of it, &c.

Mr. Livermore said, he verily believed, if the simple question were presented to appropriate money to improve the navigation of the Western rivers, nine tenths of the House would be in favor of it. The bill was embarrassed by its details, and, if it was lost, would fall by them. These details were unnecessary, and he wished they might be excluded by some amendment.

Mr. Conway, Delegate from Arkansas, proposed an amendment to the bill, the object of which was to give the President a general power to apply $75,000 to the improvement of the navigation of the Mississippi, Ohio, and the Missouri, as high up as Franklin.

Mr. Buchanan said, that every amendment offered to the bill, proved that a general amendment was necessary, embracing the object of making an experiment to improve the navigation of the Ohio and Mississippi rivers, which a decided majority of the House would be in favor of. To allow of its being properly prepared, he moved to lay the bill on the table.

Which motion was agreed to, and the bill was ordered to lie on the table accordingly.

After refusing two successive motions to interrupt the regular progress of the assigned orders of the day—

The bill to confer certain powers on the Levy Court of the county of Alexandria, passed through a Committee of the Whole, (Mr. Lathrop in the Chair,) and was ordered to be engrossed for a third reading.

WABASH AND MIAMI CANAL.

The House then resolved itself into a Committee of the Whole, (Mr. Ross in the Chair,) on the bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of the Lake.

Mr. CALL, Delegate from Florida, moved to amend the bill by striking out the words "ninety feet," proposed by the bill to be given for the location of the canal, and insert in lieu thereof a provision for giving the square of a mile on each side for the whole length of the canal.

In support of this motion, Mr. CALL delivered a speech of some length, which he commenced by replying to an anticipated objection on the score of precedent, by saying that a grant of land for a road was in principle the same as a grant for a canal, and a grant similar to this, for a road through a part of the State of Ohio towards Detroit, had been lately made. He then turned his attention to the importance of the canal proposed to be made, which, he said, would open a communication which would connect New Orleans with the Western Lakes, to the great facilitation of military operations for the purposes of defence, &c., not to speak of the facilitation of commerce. But this channel, however important, it would not be possible to open, for a long time at least, without the aid of a grant of the public lands, &c.

Mr. RANKIN, the Chairman of the Committee of Public Lands, stated the views of the committee on the subject. They duly appreciated the importance of such a canal, believing it to be the best point for the connexion of these waters, but were restrained, by principles on which they had always acted, from going beyond the space necessary for a canal, and for assisting the collection of tolls thereon. If Congress intended to give a grant to this canal, or any other road or canal, it was much preferable that the grant should be in money, rather than in land. The road which has been spoken of, was claimed as a right, accruing under the treaty of Brownstown, and could not be considerered as a precedent for this measure. With regard to the expediency of granting aid to this measure, Mr. R. said, if it should be included in a general system of internal improvement, he should be in favor of it, but was opposed to acting upon it in the manner now proposed.

Mr. MCLEAN, of Ohio, made a few remarks, expressive of the deep interest he felt on this subject, and of his conviction that the benefit to accrue from it to the United States, would doubly repay the whole expense of making the canal.

Mr. TEST, of Indiana, explained the geographical character of the country through which the canal is to run. It was a measure so perfectly practicable, that he believed the deepest part of the canal from the surface, supposing the canal to be a dead level, would not be more than twenty-five feet. Its length would be only from fifteen to twenty miles. The country on both sides of the route was extremely rich, as rich, indeed, as it possibly could be, and capable of producing a vast amount of agricultural products. On the importance of this work to that country, and to the United States generally, he dwelt at some length, and then replied to the objections made by Mr. RANKIN, on the ground of the obligations of the compact with Virginia, and showed by computation that the proposed appropriation of land would advance the value of the public lands to a much greater amount than that of the proposed appropriation.

On motion of Mr. TRACY, of New York, the Committee then rose, reported progress, and obtained leave to sit again.

MONDAY, May 10.

Mr. CALL presented sundry documents in relation to a claim of Moses Elias Levy, to a tract of land in the Territory of Florida.—Referred.

Mr. PLUMER, of New Hampshire, presented a memorial of the Judges of the Fourth Circuit of the United States, in the district of Maryland, and of the members of the bar of the said court; praying for an alteration of the times fixed for holding court; which memorial was referred to the Committee on the Judiciary.

Mr. MCKEAN presented a memorial of sundry citizens of Pennsylvania, praying for an extension of the system of granting pensions for Revolutionary services; which memorial was laid upon the table.

Mr. WEBSTER, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act in addition to the acts relative to the election of a President and Vice President of the United States," reported the same without amendment; and it was committed to the Committee of the Whole on the state of the Union.

Mr. WHITTLESEY, from the Committee of Claims, made a report on the petition of Stephen Jenks & Sons, accompanied by a bill for their relief; which was read twice, and committed to a Committee of the Whole.

Mr. J. T. JOHNSON moved to consider the resolution of the joint committee, fixing a day for the adjournment of this House. The motion was negatived—ayes 80, noes 85.

The bill from the Senate "to confer certain powers on the Levy Court of the county of Alexandria, in the District of Columbia," was read a third time, and passed.

The bill "to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants lying between Ludlow's and Roberts's lines, in the State of Ohio," was read a third time, passed, and sent to the Senate."

Mr. BEECHER, from the Committee on Roads and Canals, reported on the petition of Moses Shepherd. After some objections and inquiries from Mr. COCKE, the report was laid on the table.

NAVIGATION OF WESTERN RIVERS.

On motion of Mr. BUCHANAN, of Pennsylvania, the House took up the bill "for the improvement of the Ohio and Mississippi rivers."

Mr. BUCHANAN offered, as an amendment to the bill, the following:

"That the President of the United States be, and he is hereby, authorized to cause the navigation of the

Ohio river to be improved over the following sand bars, or either of them, at his discretion, to wit: the sand bar which crosses said river one mile and a quarter below Flint island; the sand bar two miles above French island; the bar just below Henderson; the bar below Straight island; the bar below Willow island, in the Mississippi bend; and the bar opposite to Lower Southerland, below Cumberland island; and, for the purpose of ascertaining and directing the best method of carrying the provisions of this act into effect, he may employ any of the engineers in the public service which he may deem proper: *Provided, nevertheless,* That an experiment shall first be made upon one of the sand bars, and if, in his judgment, it shall be successful, then, and not otherwise, he is hereby authorized to cause experiments to be made upon the remaining bars."

Mr. Stewart, of Pennsylvania, was opposed to this amendment of the bill, as being calculated to embarrass it, and, in effect, to defeat it. He objected especially to the proviso, which requires a previous experiment before the appropriation is to be applied. The obstacles in the Western rivers are, he said, so various in their kind, that an experiment on one could not apply to the rest of them—and the President must depend on the opinions of others as to the success of the experiment when made, &c. He preferred direct legislation on the subject to any contingent provision. Mr. S. went on at considerable length to show the propriety of the amendment adopted in Committee, making Brownsville the point of commencement where the proposed improvement met the national road, and rendered complete and entire the chain of communication between the East and West, &c., stating a variety of facts to show the great advantages to the West which would result from this measure.

Mr. Henry, of Kentucky, replied, and advocated the amendment, on the ground that it was of paramount importance to obtain a recognition of the principle embraced in the bill, and that the particular modification of it was not of so great importance. For the sake of conciliating the opinions of all who were friendly to the principle of the bill, he was willing to yield his own opinion as to the details of it; and, with that view, he was in favor of the amendment.

Mr. Mallary, of Vermont, moved to amend the proposed amendment so as to cause *two* experiments to be made instead of *one*, &c.

Mr. Buchanan rejoined—expressed his regret that the debate should be renewed—the committee's report was confined to certain bars in the river which were not of different kinds, but of one kind; and all he wished was, that a trial should be made on one of these before money should be expended on the rest.

Mr. Trimble advocated the amendment. He was in favor of an experiment, and thought it ought first to be attempted on the lower part of the river.

Mr. McArthur was indifferent whether one or two experiments were made in the Mississippi, but advocated the propriety of extending the experiment to the Ohio river also, the obstructions in which were quite as dangerous to property as those in the Mississippi.

Mr. Stewart suggested to Mr. Mallary to modify his motion so as to require two "or more" experiments.

Mr. Mallary did not accept of the suggestion.

Mr. Kremer advocated the amendment of Mr. Buchanan. He had had some experiments in attempts to remove sand bars in the Susquehannah, the result of which had been very unfavorable. He therefore wished an experiment made on one of those in the Ohio.

Mr. Hogeboom, of New York took similar ground, and stated the difficulties which had been experienced in the Hudson, where vast sums had been thrown away in attempts to remove sand bars, without any permanent benefit from the expenditure.

Mr. Poinsett, of South Carolina, suggested that there was a great difference between removing obstructions from sand in tide rivers and those where the stream always ran one way. In the former class of streams, the removal of one sand bar was succeeded by the formation of others; but, in streams like the Mississippi and the upper part of the Ohio, where the water always ran in one direction, the case was very different.

The amendment of Mr. Mallary, proposing two experiments, was agreed to—ayes 77, noes 71.

Mr. Buchanan's amendment, as thus amended, was then put, and carried.

The several other amendments, reported by the Committee of the Whole, were then agreed to.

Mr. McArthur then offered an amendment in the fourth section, to make its commencement read as follows; "And for the purpose of improving the navigation of the Mississippi river, 'from the mouth of the Missouri to New Orleans, 'and of the Ohio river, from Pittsburg to its junction with the Mississippi," so as to include the Ohio river in the experiment.

The amendment was agreed to, and the bill, as amended, was ordered to be engrossed for a third reading to-morrow.

CLAIM OF BEAUMARCHAIS.

On motion of Mr. Tucker, of Virginia, the House agreed to take up the report of the committee on the claim of Beaumarchais. The motion was carried—ayes 81, noes 54.

The House went into Committee of the Whole, Mr. Campbell of Ohio in the Chair, on that report.

Mr. Tucker, of Virginia, addressed the Chair as follows:

Mr. Chairman: It is well known to most of the Committee that Mr. Beaumarchais, in the first years of the Revolution, furnished clothing and military supplies to the United States to the amount of several millions of livres; that his account has been finally settled at the Treasury, and the whole amount paid, except one million of livres, which the accounting officers of that Department contend he received from his own Government, and was one of the nine millions which

Louis XVI. gratuitously gave to the United States. It is admitted by the claimants that he did receive a million in behalf of the United States, but they say, and the agents of the French Government say, that it was given him to be expended in secret service money, and that he has satisfactorily accounted for the disbursement of it to his Government, to whom alone he was accountable. From this decision of the Treasury Department, an appeal is made to Congress.

Hitherto, Mr. Chairman, the merits of this claim have hinged upon the fact whether the million in question was received by Mr. Beaumarchais, for the purchase of supplies, or not; and, as the arguments adduced on either side of the question are, in the absence of the highest evidence, derived from a great mass of circumstantial testimony, and are comprehended in long and numerous documents, I will beg leave to call the attention of the Committee to the most important facts. Such a review will give the necessary information to those who have not found time to read the report, and refresh the memories of those who have.

Early in the year 1776, Mr. Beaumarchais called on Mr. Arthur Lee, then an agent of the United States, in London, and informed him that the French Government were willing to furnish the United States with supplies to the amount of two hundred thousand louis d'or, which he proposed to transmit through the French West Indies, under color of a commercial transaction. Mr. Beaumarchais soon afterwards returned to Paris, and there made a more special and formal arrangement with Mr. Silas Deane, also an agent of the United States, for the transmission of these supplies; and to give it the appearance of a commercial adventure, and conceal it from the British Government, it was further agreed that tobacco, and other American products, should be remitted to Mr. Beaumarchais.

In pursuance of this arrangement, eight cargoes of military stores, clothing, and other merchandise, were shipped, by Mr. Beaumarchais, to the United States, in the years 1777 and 1778—and, during the same time, France furnished the American Commissioners, who were, at that time, Dr. Franklin, Mr. Lee, and Mr. Deane, with two millions of livres in cash, and they obtained a third from the Farmers General. During the shipment of these supplies, there seemed to have been great uncertainty, on the part of the Commissioners, about the source from whence they were derived. Mr. Lee, judging from what had passed between him and Mr. Beaumarchais, and from the subsequent assurances of the French Minister, always insisted that they were derived principally from the King—while Mr. Deane seemed to think that we were indebted for them solely to Mr. Beaumarchais. On a comparison, however, of their several letters, it is impossible to reconcile the statements of the different Commissioners with one another, or those of the same gentlemen, at different times.

In the year 1778, Mr. Deane was recalled, and Mr. Adams, late President of the United States, was sent to supply his place. In September of that year, the three Commissioners wrote to the Count de Vergennes, then Premier of France, stated their doubts about the source of these supplies, and requested to know of him what part of them had been furnished by Beaumarchais, and what part by the King—that both they and the people of the United States had always believed the greater part of the supplies had been furnished by His Majesty, and that they would discharge the obligation as soon as Providence should put it in their power. To this application Mr. de Vergennes answers, that the King had furnished nothing—that he had permitted Mr. Beaumarchais to furnish himself from his arsenals, on condition of replacing the articles, and that he would, as to these articles, interpose to prevent the United States from being pressed for immediate payment. This correspondence was transmitted to America, and in the following year, Congress directed their President, Mr. Jay, to write to Mr. Beaumarchais, acknowledging the debt and promising payment. From that day to this, he has stood upon the books of the Treasury as a creditor for the whole amount of these supplies, and payments were made him from time to time. Besides the remittances in tobacco, and other domestic products, equal to about 10 per cent. of the value of the supplies, bills were drawn in his favor, on our Commissioners in France, for between two and three millions of livres, payable in one, two, and three years.

In the year 1782, Mr. Deane returned to France, and made a settlement with Mr. Beaumarchais, by which the balance due to him was about nine hundred thousand dollars. This settlement, however, was not ratified by Congress, because it was said Mr. Deane had no authority to make one; and because, I presume, Congress did not approve it. But in 1784, Mr. Barclay, who was appointed our Consul General to France, was vested with authority to make a settlement with Mr. Beaumarchais, subject to the ratification of Congress. He accordingly made one, differing not materially from the settlement since made at the Treasury, but it did not receive the confirmation of Congress. Probably this settlement would have been ratified, if a circumstance had not come to light, which is a curious one, as well in the history of diplomacy, as in the life of that distinguished man, Dr. Franklin. In the year 1786, on a settlement of the account of Mr. Grand, our banker in Paris, it was discovered that he had given credit but for eight millions received from the French Government by way of gratuity, instead of nine, which, in a treaty dated three years before, Dr. Franklin had acknowledged to have received. Dr. Franklin, on being informed of the variance, applied to Mr. Grand for an explanation, who, in turn, applied to the Count de Vergennes, but he refused to state to whom the million in question was paid; and that, as it was paid out of the Royal Treasury on the 10th June, 1776, (which was before Dr. Franklin arrived in France, and before Mr. Grand became the American banker,) a copy of the receipt for this million could not be necessary for their exoneration. It was then conjectured by Dr. Franklin that Mr. Beaumarchais had received this million. In 1788, a committee of three members of Congress (of which Mr. Arthur Lee was the chairman) had the subject of Mr. Beaumarchais' accounts referred to them for settlement; and, in their report, by not allowing many of his claims for commission, insurance, and other charges, and charging him with some supposed losses,—they made him a debtor to the United States to a large amount.

After the adoption of the new Constitution, Mr. Beaumarchais, complaining of the injustice that had been done him, renewed his application to the Government; and, in 1793, a settlement of his accounts was made by the Auditor, under the superintendence of Mr. Hamilton, on more liberal, and it appears to me more correct principles, by which a balance was found due to him of upwards of two millions of livres. But the report recommends that payment should be suspended until some further explanation should be given of the "lost million," as it was often called. But, in the following year, Mr. Gouverneur Morris, as Minister from this country to France, applied to the Minister for Foreign Affairs for information relative to the million that remained unaccounted for, and, by a well-timed compliment, succeeded in obtaining the receipt for this million advanced in June, 1776, by which it appeared to have been paid to Mr. Beaumarchais.

In the following year, Mr. Beaumarchais wrote a long and eloquent memorial on the subject of his claim, in which he insisted that he had rendered an account to his own Government of the money he had received from it. But the coincidence of sums and dates furnished such strong circumstantial evidence against him, that he was held chargeable at the Treasury for the million he had received in June, 1776. After his death, (which took place about 1799,) the claim was renewed, in behalf of his representatives, in 1802, by Mr. Petion, the Chargé d'Affaires from France; and in 1805 by Mr. Turreau, the Minister Plenipotentiary, who then stated, for the first time, that, on an examination of the archives of his Government, it had been discovered that the million received by Mr. Beaumarchais in June, 1776, had been paid him for a secret political service. On the last application, the subject was referred to a committee of this House, who, after charging Mr. Beaumarchais with the million in question, reported a balance of about forty-one thousand dollars, which was paid him, with interest. In the succeeding year, Mr. Turreau again pressed the claim on the notice of the Government, and stated that the million had been paid for a secret political service, but not for the purchase of supplies. The subject was not then acted on by the House. Since that time it has been repeatedly brought before Congress, and from first to last the memorial of the present claimants has been referred to six different committees, exclusive of that of the present year—three of whom reported in favor of the claim, and three against it.

On the question whether Mr. Beaumarchais received the million, of June, 1776, for the purchase of supplies, or not, (the point on which the committee chiefly differed,) there is much circumstantial evidence on both sides. The following facts are unfavorable to the supposition that the supplies were purchased from his own funds: The mediocrity of his fortune; many of the articles furnished were drawn from the King's arsenals; the repeated declarations of the French Minister to our Commissioners; the letter of the Minister to the King, in May, 1776, in which he speaks of advancing a million for the use of "the colonies;" the letter from the King of France to the King of Spain, in which he says he has furnished money and other succors, ostensibly on the score of trade; and, lastly, the letter of Mr. Beaumarchais himself, of December, 1776, wherein he states his advances to have been about one million of livres.

But, on the other hand, there is the solemn declaration of Mr. De Vergennes that the King had furnished nothing. He certainly was not warranted in saying the King had furnished no supplies, if he had furnished money to purchase supplies. But, again: there can be no doubt but Mr. Beaumarchais must have been held accountable to his Government for this million, for whatever purpose it was put into his hands. But if it was intended as douceurs for persons about the Court, or to procure intelligence, or to bribe foreign agents, or for any of those purposes for which secret service money is usually employed, it is said, and it seems not improbable, that the vouchers in such cases are destroyed. The evidences of such details they might wish to withhold, not only from the world, but from their successors. But there could be no reason to destroy the vouchers, if they related merely to the purchase of supplies. The absence, then, of all vouchers of the particulars of disbursement affords some evidence that the money was expended for one purpose and not for the other.

On weighing this conflicting evidence, I am free to admit, Mr. Chairman, that there is a preponderance of testimony that Mr. Beaumarchais received the million in dispute, for the purchase of supplies; and, if France had been passive on the occasion, or, if we had paid any valuable consideration to her for this million, I should think we were justified in charging Mr. Beaumarchais with that amount. But, when it is recollected that we received these supplies immediately from Mr. Beaumarchais, have settled the account upon our own terms, that the million which we claim as a credit was paid, not by us, but by France, as an act of bounty, and that the French Government insists that this bounty was used for another purpose—when these things are recollected, it does seem to me, that we are precluded from entering into a contest with France on this subject; or, in other words, that we cannot, consistently with our honor or self-respect, pay off an undisputed debt, with a doubtful and disputed gift. On this occasion, Mr. Chairman, I cannot recognise one rule of morality for the nation, and another for individuals. I would pursue the same course in public as in private life; and, as an individual, I never could seek to give the bounty of a benefactor a direction which he objected to, for the purpose of making a discount to the acknowledged debt of a third person. Sir, in this case, France is right, or she is not. If she is right, that the million was furnished to Beaumarchais for secret service money, then we have no pretext for refusing to pay him the balance of his account; but, if she is wrong, then the error consists in claiming our gratitude for nine millions when she has given us but eight, which can in no manner affect the account of Beaumarchais.

The whole of the present difficulty has grown out of the mistake of Dr. Franklin, in the treaty of February, 1783. When he signed that treaty, suppose he had been aware that but eight millions of livres had actually been received, and that he had said to the Count de Vergennes, "You call on me to acknowledge the receipt of nine millions, as the gift of your Government, while I know only of eight; show me how the other million was used for our benefit, and I will freely acknowledge that too;" if, in answer to this, the Count de Vergennes had said, what his successors have said, that the million was used for a "secret political service," can it be believed that Dr. Franklin would have hesitated to receive the assurance, and to sign the treaty which he actually did sign? If he would not, there would have been no ground for the present dispute. But, let us suppose that he would not have been content with the simple assurance of the French Minister, then either that Minister must have given him satisfactory evidence concerning the disposition of the doubtful million, or he would have acknowledged only eight millions, in either of which cases Mr. Beaumarchais's claim is indisputable. Assuredly, if our agent had signed a treaty under a mistake, as he himself states, that mistake should be rectified with the French Government, which should either give us a satisfactory explanation, or hold us bound in gratitude but for eight millions, neither of which can affect the claim of Beaumarchais.

Mr. Chairman, we ought to be consistent with ourselves, with regard to the declarations of the French Government. When Monsieur de Vergennes declared to our Commissioners, in September, 1778, that the military supplies were furnished solely by Mr. Beaumarchais, we acquiesced in that assurance, and required no further proof. Again: Mr. Gallatin, in his late correspondence with the Duke de Richelieu, Minister of Foreign Affairs in France, stated, that if the French Government would make an explicit negative declaration, that the million paid to Mr. Beaumarchais, in June, 1776, was not applied to the purchase of supplies, the difficulty with the accounting officers of the Treasury would have been removed. And, although the answer of the Duke de Richelieu may be considered as somewhat equivocal, yet that which Mr. Turreau had made in 1807, was as positive and explicit as it could be. Had this declaration been made the year before, it would seem, from Mr. Gallatin's letter, the million would not have been deducted from Beaumarchais's account; and, it having been made since, the same consequence should follow. On every ground, then, Mr. Chairman, I am free to say I would vote at once for an appropriation to the whole amount of this claim, whatever may be my private opinion of the source whence Mr. Beaumarchais derived the million; it being certain that he did not derive it from *us*, and that we have used the supplies which it purchased. But, as our citizens have claims against France for spoliations on their commerce to a large amount, (probably twenty times as much as this claim,) and the French Government has itself introduced Mr. Beaumarchais's claim into the negotiation, I think we may adjust the whole together, without any dereliction of national justice or honor, and I therefore hope the Committee will adopt the resolution for that purpose offered by the committee.

When Mr. TUCKER had concluded—

Mr. DWIGHT called for the reading of the report of the Committee of this House in 1814, (and of which committee Mr. LOWNDES was chairman,) unfavorable to the claim.

Mr. FARRELLY called for the reading of the opinion of the Attorney General, Mr. Rodney, in 1807.

Mr. CLAY, in a short speech, expressed a very decided opinion in favor of the claim.

Mr. LIVERMORE took the opposite side, and delivered a few observations in opposition to an allowance of the claim.

Mr. DWIGHT then rose, and went at great length into the whole subject, in reply to Mr. TUCKER and Mr. CLAY, quoting a number of documents in support of his statements, and concluded his speech with offering a resolution that the petitioner have leave to withdraw her petition.

Mr, FARRELLY followed in reply, and spoke at considerable length, to show that the demand was just, and ought to be allowed.

Mr. CAMBRELENG rose in opposition to the claim, quoted declarations of the Count de Vergennes, remarked on the opinion of Mr. Pinkney, and adduced general arguments against allowing any part of the demand.

Mr. LIVINGSTON, of Louisiana, rose, and, expressing a desire to deliver his sentiments, which were most decidedly in favor of the claim, moved that the Committee rise.

The Committee rose accordingly, and had leave to sit again.

Mr. STEWART gave notice that he should, on Thursday, ask the House to consider the following resolution, submitted by him some time since:

> "*Resolved*, That the Committee on Roads and Canals be instructed to report a bill appropriating the annual proceeds of the sales of the public lands, and the dividends of the United States Bank stock, commencing from the 1st of January, 1823, to the purposes of internal improvements, to be distributed among the States according to their representation, and to be expended on objects to be designated by Congress, within or bordering on the respective States, unless where any State may consent that its proportion of the fund shall be applied to an object not immediately connected with its territorial limits."

And then the House adjourned.

Tuesday, May 11.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, to which was referred, yesterday, a memorial upon the subject, reported a bill for altering the time of holding the circuit court of the United States for the fourth circuit, in the Maryland district; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. Campbell, of Ohio, from the Committee on Private Land Claims, made a report on the petition of William Loughrey, accompanied by a bill for his relief; which was read twice and commited to a Committee of the Whole.

Mr. Strong, of New York, offered the following resolution:

Resolved, That all moneys which shall be received on account of the sales and entries of the public lands, after the 4th day of July, 1825, ought to be appropriated exclusively to the support of common schools, and the construction of public roads and canals; and that the said moneys ought to be divided between the several States and Territories, in proportion to the representation of each in the House of Representatives of the United States, and applied by them respectively, to the aforesaid purposes, in such manner, and with such limitations and conditions, as the Congress may prescribe.

Mr. Cocke suggested, that a proposition, nearly similar, was already before the House, and moved to lay the resolution on the table, till the other should be discussed, but subsequently withdrew his motion; and Mr. Strong replied, and explained the object of his resolution; and, after some further conversation between the mover, Mr. Cocke, and Mr. Cook, the resolution was laid on the table and ordered to be printed.

Mr. Whittlesey submitted the following resolution, viz:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of causing a survey to be made, under the direction of the President of the United States, of the south shore of Lake Erie, from Carrying river to Erie, in the State of Pennsylvania; and of causing surveys to be made of the mouths of such bays and rivers, or other places, within the boundaries aforesaid, as the engineer, who may be employed for the purposes aforesaid, shall deem necessary or important; at which to construct or improve harbors, for the security and promotion of the commerce on said Lake; with plans of the places so designated, and estimates of the expense of constructing or improving such harbors.

The resolution was ordered to be laid upon the table.

A Message was received from the President of the United States, as follows:

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report of the Secretary of War, containing the information called for by the resolution of the 10th of March, requesting the names of all the officers of the army who have been brevetted; stating their lineal rank and brevet rank; when brevetted; and the amount of money paid to each; and when paid; which report, with the accompanying documents, contain the information desired.

JAMES MONROE.

May 11, 1824.

The Message was read, and laid upon the table.

The Speaker laid before the House a report of the Secretary of the Navy on the memorials of merchants and others from Baltimore, for farther compensation for damage sustained by the sinking of their vessels in the entrance of the harbor of that city in the late war; which report was laid on the table.

Mr. Livingston, from the Committee of Investigation in the case of Ninian Edwards, stated that that committee had received from the Secretary of the Treasury a communication in reply to the memorial of Mr. Edwards, and asked that it might be printed; which was ordered accordingly.

NAVIGATION OF WESTERN RIVERS.

The engrossed bill making an appropriation for improving the navigation of the Ohio and Mississippi rivers, was read a third time.

Mr. Williams, of New York, demanded the yeas and nays on the question of its passage; and they stood, yeas 155, nays 60, as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, J. S. Barbour, Bartley, Beecher, Blair, Breck, Brent, Brown, Buckner, Burleigh, Cambreleng, Campbell of Ohio, Cassedy, Condict, Cook, Craig, Crowninshield, Cushman, Durfee, Dwight, Eddy, Ellis, Findlay, Forward, Gurley, Harris, Harvey, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Holcombe, Houston, Ingham, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Kremer, Lawrence, Lee, Letcher, Lincoln, Livermore, Livingston, Locke, Longfellow, McArthur, McDuffie, McKean, McKee, McKim, McLean of Delaware, McLane of Ohio, Mallary, Markley, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Neale, Nelson, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reed, Reynolds, Rich, Ross, Sandford, Scott, Sharpe, Sloane, William Smith, Spence, Standefer, James Stephenson, Stewart, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Udree, Vance of Ohio, Van Wyck, Vinton, Warfield, Webster, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wilson of Ohio, Woods, and Wright.

Nays—Messrs. Abbot, Alexander of Virginia, Archer, P. P. Barbour, Bradley, Cady, Carter, Cary, Clark, Cobb, Cocke, Collins, Conner, Crafts, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Foote of Connecticut, Foote of New York, Frost, Garrison, Garnett, Gatlin, Gist, Govan, Hayward, Hogeboom, Hooks, Jenkins, Leftwich, Litchfield, Long, McCoy, Mangum, Marvin, Matlack, Matson, Owen, Rives, Arthur Smith, Alexander Smith, Spaight, Sterling, A. Stevenson, Stoddard, Taliaferro, Tattnall, Ten Eyck, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Tyson, Vance of North Carolina, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson, of South Carolina.

[After the call was concluded, Mr. **Burton** and Mr. **Buchanan**, both accidentally absent when the yeas and nays were called, wished to be allowed to record their votes—the former against the bill, the latter in favor of it; but the leave was not granted, and, according to the rules of the House, could not be, without unanimous consent.]

So the bill was passed and sent to the Senate for concurrence.

CLAIM OF BEAUMARCHAIS.

The House then went into Committee of the Whole, (Mr. **Campbell**, of Ohio, in the Chair,) on the unfinished business of yesterday, which was the report of the committee to whom was referred the claim of the representatives of M. de Beaumarchais.

Mr. **Livingston**, of Louisiana, who was by custom entitled to the floor, having yesterday moved for the Committee's rising, then rose, and delivered, at great length, his views in favor of the claim.

Mr. **Randolph**, of Virginia, delivered his views in opposition to the claim; and concluded his speech, by moving that the Committee rise, report progress, and ask leave to sit again, with a view that leave be refused.

The question on the Committee's rising, being then taken, was decided in the affirmative—ayes 105, noes 40.

The question, on granting leave to sit again, was decided in the negative—ayes 60, noes 91.

On motion of Mr. **Randolph**, the report of the committee was then ordered to lie on the table.

Mr. **McLean**, of Ohio, moved to postpone all the previous orders of the day, to take up the bill "for extending the national road from Wheeling to the Missouri. The House refused to take it up.

PROPOSED ADJOURNMENT.

Mr. **Tucker**, of South Carolina, called up the consideration of the joint resolution for an adjournment, and required thereon the yeas and nays.

The question of consideration was taken by yeas and nays, and decided as follows—yeas 80, nays 73.

So, the House took up the resolution.

Mr. **Kremer**, of Pennsylvania, opposed the resolution, on the ground that an important investigation was pending before the House, which ought to be terminated previous to adjournment. Charges of great weight had been brought forward against a public officer, which had been referred to a committee of this House, and ought to be decided upon before the House adjourned. He therefore moved to lay the resolution on the table.

Mr. **Allen** required the yeas and nays on the question of laying it on the table.

Mr. **Kremer**, at the request of several members, withdrew the motion for the present.

Mr. **Mercer**, of Virginia, said he had voted to take up this resolve, in the hope that the House would be put in possession of such information as should enable it to act understandingly on this subject, with reference to the investigation which the House had instituted, in consequence of the address of Mr. Edwards, the late Senator of Illinois. That individual has been sent for, under the authority of the House. Mr. M. was not disposed to adjourn, before time was allowed for his arrival, for his subsequent examination, and for due deliberation, by the committee and the House, upon his testimony. How is it possible, said he, that we can ascertain at what time we can adjourn, unless we should receive from that committee, or from some other source, information to guide our decision?

Mr. M. said, he rose now to inquire, from the Representative from Illinois, the State in which Mr. Edwards resides, when his arrival might, by computation, be expected, that the day for adjournment might be so fixed as to allow time for his arrival, and some days to spare, that the committee of investigation might have an opportunity to make a report, in whole or in part, so as to determine what course in regard to this matter became the dignity and the honor of the House, which, for one, he would do all in his power to maintain. If the time which should be fixed, should prove too short to allow of the transaction of the necessary business of the session, there would be no difficulty in extending it. In thus expressing his wish that some day should be fixed for the adjournment, Mr. M. said he was actuated by no outrageous zeal to do the public business, much less by any very special view to the saving of the public money, considering the public money as nothing, compared with public justice. He desired, however, to see some period fixed for the termination of the session.

Mr. **Livermore**, of New Hampshire, said—Teach me so to number my days, that I may apply my heart to wisdom, is doubtless the prayer of every individual in this Hall. Teach us so to number the days of this session, that we may apply ourselves to the appropriate business of it, is equally proper, though not perhaps equally important. Under this impression, he had voted to *consider* the resolution appointing the day of adjournment. The tariff bill in the Senate, and the communication of the Hon. Mr. Edwards to this House, seemed calculated, more than any thing else, to retard the hour of adjournment. He hoped that some of the committee who had charge of the communication of Mr. Edwards, would express their opinion whether the public good required that Congress should continue in session until the arrival of Mr. Edwards, who had been sent for. For his own part, he said, he had never been able to find any thing in Mr. Edwards's letter of public consequence, which might not have been communicated at the opening of the session, and he had been surprised that that gentleman had thought fit to keep the secret in his own breast all the time he was here, and to send back his complaints at so late an hour, and after he had taken his departure from the city. If this subject may be viewed in the light of a prosecution, there can be no absolute necessity, because witnesses have been summoned, for the Court to continue in session until their arrival. The opinion of the committee of investigation, as to what the public good requires, ought, in his opinion, to govern our decision in this instance. The Senate must have control of our resolution, until the tariff shall have been disposed of.

Mr. Cook, of Illinois, rose to answer the question which had been addressed to him, as to the time at which Mr. Edwards might be expected to arrive here. From having travelled the journey some ten or a dozen times, and sometimes in the mode in which he presumed Mr. Edwards would take, Mr. C. was of opinion that he might be able to reach this city on the 23d or 24th of this month.

Mr. Mallary, of Vermont, observed that much time had been spent on the subject of the tariff. It was now before the Senate, and numerous amendments are understood to have been made to it in that House. When the bill should be returned to this House, as amended, if it pass the Senate, much discussion will probably arise on it, and a reasonable time should be allowed for the deliberate consideration of that bill. This was due to the House and to the nation. It was unworthy of the House to bind itself to a day, in order to spur members to diligence and despatch. The first duty of the House, was to attend to the public business. He was therefore opposed to fixing a day for adjournment, at present.

Mr. Tod, of Pennsylvania, observed that, if the resolution must pass, he hoped arguments of a little more force and consistency would be advanced in its favor. When the House sent for Mr. Edwards, it knew that no certainty respecting the time of his arrival could be attained at that time, and nothing had occurred to change the uncertainty on the subject. He replied to Mr. Livermore, and observed that, in that affair, this House was not the court, but, as far as it could become so, the accuser. It had given all the weight it could to the charges submitted. It had directed its committee to proceed in the investigation, and it was bound in consistency to allow time for the return of its messenger, unless it meant to suppress the investigation altogether.

Mr. Webster said that he had not been present when this motion was brought up, nor had any other member of the committee of investigation. But, in regard to one interesting topic which belonged to this discussion, he remarked that the House was apprized that the officer of this House had been deputed in quest of the witness, and, as he understood the matter from the statement given by the member from Illinois, barring accidents, he presumed that he may be expected to be here by the 23d or 24th of the month, But, as far as he understood it, Mr. W. said, the House was as able now to form a judgment of the probable time of the arrival of Mr. Edwards, as it could be a week hence, as, in the Western country, a traveller might often outstrip the mail, and in all probability no intelligence would be received of the arrival of the messenger at the place of residence of the person summoned earlier than the 23d or 24th of the month. It seemed to him, Mr. W. said, that the best course would be, now, to fix a period for adjournment so far remote as to give the party summoned an opportunity to come here and be examined touching the subject. To fix a period for adjournment earlier than that, would be wholly inconsistent with all that had been hitherto done. He thought a period should be fixed, however important the subject of inquiry might be, beyond which the House would not wait, for the arrival of Mr. Edwards, some days beyond that at which it had been suggested he might arrive, &c.

Mr. Forsyth, of Georgia, agreed entirely with the gentleman from Massachusetts, in the general view he had taken of the subject, except that he thought, for the present, it would be best to lay the resolution on the table. He knew there was a strong disposition in the House to adjourn; but, for himself, he could not vote for an adjournment till the individual referred to should either have arrived, or it should be ascertained that he would not come.

Mr. Webster replied that the objection to that course was, that no farther information was to be expected, with any probability, as to the coming of Mr. Edwards before the 23d or 24th of this month; and, from this time to that, the House would be in precisely the same situation that it is now.

Mr. Stewart, of Pennsylvania, was opposed to fixing on any day at present. Information might, by some accident, arrive before the time mentioned, which would enable them to do it. But, fixing on the day now would also have a tendency to protract the discussion of the tariff in the other House, and was calculated to defeat that measure.

Mr. Tracy, of New York, moved to lay the resolution and amendment on the table.

Mr. Allen, of Massachusetts, called for the yeas and nays on this motion, which were ordered; and the question of laying it on the table was decided as follows:—Yeas 99, nays 87.

So the resolution was ordered to lie on the table.

CANAL IN INDIANA.

The House went into Committee of the Whole, (Mr. Marvin in the Chair,) on the bill "authorizing the construction of a canal through the public lands, in the State of Indiana, between the Wabash and Miami of Lake Erie."

The question recurring, from Saturday, on Mr. Call's motion to strike out "ninety feet," and insert "one mile," for the extent of the reservation on each side of the canal—

Mr. Alexander, of Virginia, objected to the amendment, as trenching on the terms of the cession of the Northwestern Territory by Virginia to the United States, which declare that the whole of that cession shall be a fund for the payment of the common expenditures of the United States.

Mr. Rankin took the same ground; the proposed canal was a local work, and not one of the "common expenditures" of the United States, and thought it was better to give money than land in aid of it.

Mr. TEST contended, that giving a mile on each side of the canal did not violate the terms of the cession more than 90 feet—it was in the spirit of that cession, because it enhanced the value of all the rest of the lands ceded. Unless this land was given, Indiana would be unable to effect the object. This was the only opportunity, at once, of giving timely aid to the canal, and of enhancing the value of the public lands.

Mr. STEWART, of Pennsylvania, denied that this canal was a local measure, and he stated its effects on the Union at large. He advocated the amendment—and read an extract from the writings of Mr. Fulton on the benefits of canals. He replied, also, to the objections of Mr. ALEXANDER, &c.

Mr. BROWN, of Pennsylvania, thought that, if the canal would so greatly enhance the value of the public lands, it would be better for the United States to make the canal than to give all the benefit of the work to Indiana. The calculation was, that the canal would cost only $300,000, and they asked land to the value of $500,000. He for one would never consent to give it.

Mr. CALL, Delegate from Florida, spoke in reply, and urged the present low value of the public lands in that quarter as an argument in favor of the bill. All that was proposed to be given would, at present value, amount only to $35,000. The additional value would arise from the enterprise and industry of the State of Indiana. He replied to the arguments of Mr. ALEXANDER, and dwelt at some extent on the value of this line of water communication, and the facility of making the canal.

Mr. SHARPE, of New York, thought the only question was, whether this was the proper time to engage in the undertaking. He wished farther information on this point, and expressed some apprehensions of the danger of the precedent.

Mr. RANKIN replied, and explained the facts of the case, and repeated and confirmed the arguments he had before urged.

Mr. JENNINGS called for the reading of the memorial of the Legislature of Indiana on this subject. It was read accordingly.

Mr. JENNINGS stated the topography of the country through which it was proposed to cut this canal. He adverted to the opinion of General WASHINGTON, in favor of this and other Western water communications. He went at considerable length into a discussion of the objection from the terms of the Virginia cession, and of the practicability and general importance of the measure.

Mr. TEST followed in farther explanation of the bill and the amendment.

Mr. McCOY delivered at some length his objections to the amendment, as granting to one State what was intended only for general objects. He urged the danger of the precedent, the difficulty with which Virginia could get enough land to pay her Revolutionary soldiers, &c.

Mr. SHARPE thought the grant in the amendment very large, and the time for completing the work too great. This measure would be superseded, moreover, by the general plan for internal improvements. He thought it was enough, at present, to provide for surveys, as had been already done.

The question on the amendment moved by Mr. CALL, for giving a mile on each side the canal, being then taken, was decided in the negative.

The Committee then took up a bill to authorize the Territory of Florida to open a canal through the public lands; and, having gone through it, reported the latter bill, which was ordered to a third reading, and asked and obtained leave to sit again on the former.

And then the House adjourned.

WEDNESDAY, May 12.

Mr. BRENT, from the committee appointed on the 4th of March last, upon the subject of the sale of public lots, within the city of Washington, made a report; which was read, and laid upon the table until to-morrow.

Mr. SCOTT laid the following resolution on the table, for consideration to morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House any information which he may possess, in relation to the intercourse and trade now carried on between the people of the United States (and particularly the people of the State of Missouri) and the Mexican provinces; how, and by what route that trade or intercourse is carried on; in what it consists; the distances, &c.; the nations of Indians through which it passes; their dispositions, whether pacific or otherwise; the advantages resulting, or likely to result, from that trade or intercourse.

An engrossed bill for altering the time of holding the circuit court of the United States in the fourth circuit of the district of Maryland, was, on motion of Mr. McKIM, laid on the table.

An engrossed bill to authorize the Territory of Florida to open a canal through the public lands to unite the river St. John's with the bay of Augustine, was read a third time, passed, and sent to the Senate for concurrence.

A bill "to regulate the fees of the registers of wills in the District of Columbia" being under consideration in Committee of the Whole, a prolonged debate arose on some of its details; in which Messrs. SWAN, NEALE, COCKE, SHARPE, KENT, and FINDLAY, took part; when the bill was reported to the House, and ordered to be engrossed for a third reading.

The House then went into Committee of the Whole, on the bill granting certain lots of ground to the city of Mobile, and to certain individuals of said city. The bill having been slightly amended, was reported to the House, and ordered to a third reading.

JOSIAH HOOK, JR.

On motion of Mr. LONGFELLOW, the House took up the bill from the Senate for the relief of Josiah Hook, jr., (collector at Castine,) who was prosecuted for the amount of a seizure during the war, and had judgment recovered against him.

Mr. **Whittlesey**, of Ohio, went at length into a statement and legal examination of this case, with a view to show that the collector had been negligent in his duty.

Mr. **Longfellow**, of Maine, spoke, in reply, and, after a full statement of the facts, contended that no such negligence appeared as should subject Mr. Hook to the loss of the money for which he had been sued.

It was admitted, on both sides, that he was a vigilant and faithful officer, and had acted in good faith when he made the seizure.

Mr. **Wright**, of Ohio, took the same view of the subject, and opposed the report of the Committee of Claims. The supposed neglect arose from a mistake of eminent counsel, and a mistake which, at that time, prevailed in the Treasury itself.

Mr. **Bartlett**, of New Hampshire, rose in reply, and quoted dates and statutes to show that it was through the negligence of Mr. Hook, the Government had suffered very heavy loss, the expense of losing which amount it was now applied to to pay. He had no personal hostility to the claimant, but rather the contrary, as he always understood him to be an excellent officer.

Mr. **Cocke**, of Tennessee, declared that the opinion he had formerly held in opposition to this claim had been changed, by a fuller investigation of the case; and he should vote in favor of the bill.

Mr. **Strong**, of New York, replied to Mr. **Bartlett**, and went into a legal argument to show that the loss of the Government was not owing to the neglect of the collector.

Mr. **Livermore**, advocated, at considerable length, the same side of the question, and the debate was farther continued by Messrs. **Bartlett**, **Livermore**, **Longfellow**, and **McCoy**; when the question being put, the bill was passed, and returned to the Senate.

INDIANA CANAL.

The House went into Committee of the Whole, (Mr. **Campbell**, of Ohio, in the Chair,) on the bill to authorize the State of Indiana to open a canal through the public lands; and the question recurring from yesterday on the amendment granting ninety feet of land on each side of the proposed canal, it was agreed to.

The blank in the second section was so amended as to require the survey to be finished within *three*, and the canal to be finished within *twelve* years.

Mr. **Test** offered an amendment to the third section, the effect of which will be to reserve from sale, till further ordered, the sections of land through which the canal shall pass, and those adjoining these on each side, and he supported the motion by a series of explanatory observations.

Mr. **Rankin**, of Mississippi, objected to the amendment as a departure from the course heretofore adopted in similar cases, and as calculated to retard the settlement of the State of Indiana.

The question being taken, the amendment proposed by Mr. **Test** was negatived—ayes 41.

The Committee then rose, and reported the bill as amended.

Mr. **Test** renewed in the House his motion for reserving from sale the sections of land through which the canal shall pass, and those adjoining them on each side.

Mr. **Vinton**, of Ohio, argued the necessity of this reservation from the terms of the contract of cession, as well as from principles of policy.

Mr. **Whipple**, of New Hampshire, advocated the amendment, in a few observations, and, the question being taken, it was rejected—ayes 55, noes 59.

The bill was then ordered to be engrossed for a third reading.

HARBOR OF PRESQUE ISLE, &c.

On motion of Mr. **Farrelly**, the House went into Committee of the Whole, on the bill "for improving the harbor of Presque Isle, and for repairing Plymouth beach."

Mr. **Newton** explained the facts with respect to Presque Isle, and commented on the report of the Board of Engineers, by which it appears that the work is important, and practicable, and that its expense will amount to about $35,000. The State of Pennsylvania having made an appropriation in part for the work, the bill is for the purpose of supplying the deficit.

Mr. **Farrelly** spoke from personal knowledge of the importance of Presque Isle, and the loss of lives and property which had occurred for want of a good harbor there.

The blank in that part of the bill which relates to the work at Presque Isle, was filled with the sum of $20,000.

Mr. **Newton**, then stated the circumstances of Plymouth beach; the value of that harbor to all vessels pressed by hard weather in the neighborhood of Cape Cod; and the danger of its being seriously injured and ultimately destroyed, for want of the repairs contemplated; and moved to fill the blank for this work with $20,000.

Mr. **Reed**, of Massachusetts, confirmed, from personal knowledge, the accuracy of the statement given by the chairman of the Committee of Commerce.

Mr. **Hobart** added some particulars to the statement, in respect to the beach of Plymouth, and the amount of navigation interested in the safety of the harbor, and its advantages as a harbor for vessels of war, &c.

Mr. **Trimble**, of Kentucky, supported the appropriation, and made some remarks on the readiness of Western members to vote for the improvements on the seaboard, and the liberality which members from the Eastern sections of the Union had recently shown in voting improvements on the Western waters.

The motion to fill the blank with $20,000, was carried without opposition.

The Committee then took up a bill to authorize the State of Kentucky to open a canal round the falls of the river Ohio, at Louisville.

Mr. Wickliffe, of Kentucky, went into a detailed discussion of the value and importance of the proposed canal. He stated the estimate of the expense. More than three thousand boats, he said, passed these falls annually, and damages to the amount of $150,000 had been sustained, in a year, for want of this improvement. If the canal were made, steamboats could be substituted, in navigation, for the flat-bottomed boats now employed. He referred, for further statements, to the report of the committee on the subject.

Mr. McDuffie, of South Carolina, thought that the Committee was not yet prepared to act on the last bill, and moved that it rise and report that already acted on.

The Committee rose accordingly, reported the bill for Presque Isle and Plymouth beach, and it was ordered to a third reading.

Progress being reported on the bill respecting the canal at Louisville, the House refused leave to the Committee to sit again upon that bill.

The House then went into Committee of the Whole, Mr. Cady in the Chair, on the bill "granting pre-emption to certain actual settlers in the district of Jackson Courthouse;" which bill was slightly amended, and, being reported to the House, was ordered to a third reading.

PUBLIC LAND DEBT.

The House then went into Committee of the Whole, on the bill from the Senate, "to provide for the extinguishment of debts due to the United States, by purchasers of public lands."

Mr. Rankin stated, at length, what had been previously done by Congress, on the subject, explained the object of the bill under consideration, and offered an amendment extending its provisions to certain town lots reserved by the United States.

The Committee then rose, the bill was reported, and ordered to a third reading.

The House went into Committee of the Whole, on the bill "to extinguish the Quapau title to lands in the Territory of Arkansas." The memorial from Arkansas and the report of the Secretary of War thereon, having been read—

Mr. Conway moved an amendment to the bill, striking out all after the enacting words, and substituting a clause appropriating $5,000 to enable the President of the United States to make a treaty with the Quapau Indians.

At the suggestion of Mr. Clay, the sum was increased to $7,500; and the bill, as thus amended, was reported and ordered to a third reading.

And then the House adjourned.

Thursday, May 13.

Mr. Harvey, from the Committee on Naval Affairs, reported a bill to revive and extend the term of certain pensions which have expired by limitation; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, reported a bill to authorize the issuing of letters patent to Nathaniel Sylvester; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. Little, from the Committee on Pensions and Revolutionary Claims, reported a bill for the relief of Herman Fisher; which was read twice, and committed to a Committee of the Whole.

The Speaker laid before the House a letter from the Comptroller of the Treasury, transmitting—

1st. A list of balances which have remained unsettled, or appear to have been due from collectors of the customs, &c., more than three years prior to the 30th of September, 1823.

2d. A list of balances on account of the old internal revenue and direct tax, on the books of the Register of the Treasury, which have remained unsettled or appear to have been due more than three years prior to the 30th of September, 1823.

3d. A list of balances due by Receivers of Public Money, on account of the sales of public lands, which have remained due or unsettled on the books of the Treasury, for more than three years prior to the 30th September, 1823.

Which letter and lists were laid upon the table.

The Speaker also laid before the House a letter from the Secretary of the Treasury, transmitting a printed copy of an account of the receipts and expenditures of the United States for the year 1822, with an appendix, containing statements of the debt of the United States, and of its redemption, to the close of the year 1822; which letter was laid upon the table.

Engrossed bills of the following titles, viz:

An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the river Wabash and the Miami of Lake Erie;

An act granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida included in the district of Jackson Courthouse, in the State of Mississippi, and in the district of St. Helena Courthouse, in the State of Louisiana;

An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth beach;

An act granting certain lots of ground to the corporation of the city of Mobile, and to certain individuals of said city;

An act to regulate the fees of the Registers of Wills in the several counties within the District of Columbia;

An act making an appropriation towards the extinguishment of the Quapau title to lands in the Territory of Arkansas;

were respectively read the third time, and passed.

The bill from the Senate, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," was read the third time, and passed, with an amendment.

The resolution laid on the table by Mr. Scott yesterday, was taken up, read, and agreed to by the House.

A Message was received from the President of the United States, as follows:

To the House of Representatives of the United States:

In compliance with the resolution of the House of

Representatives, of the 15th of April, requesting the President to cause to be communicated to the House a statement of the supplies which have been sent from the United States to any ports of South America, for the use of our squadron in the Pacific ocean; of the amount paid for such supplies, with the names of the owners of the vessels; and other details therein specified; I transmit herewith a report from the Secretary of the Navy, which, with the documents accompanying it, furnishes the information desired.

JAMES MONROE.

May 13, 1824.

The Message was read, and laid upon the table.

A message from the Senate informed the House that the Senate have passed a bill of this House of the following title, viz: "An act to amend the several acts imposing duties on imports," with amendments, in which they ask the concurrence of this House. They have also passed bills of the following titles, viz: An act relative to the Patent Office, and to the salary of the Superintendent thereof; An act in addition to an act establishing Navy hospitals; and An act for the relief of Alexander McNair; in which bills the Senate also ask the concurrence of this House.

The House then went into Committee of the Whole on the bill "enabling the claimants to lands within the limits of the State of Missouri to institute proceedings to try the validity of their claims."

The bill was reported to the House as amended, and ordered to be engrossed for a third reading.

The amendments proposed by the Senate to the bill, entitled "An act to amend the several acts imposing duties on imports," were read, and referred to the Committee on Manufactures.

Bills from the Senate of the following titles, viz:

1st. An act relative to the Patent Office, and to the salary of the Superintendent thereof;

2d. An act in addition to an act establishing Navy hospitals;

3d An act for the relief of Alexander McNair; were read the first and second time, and referred—the first to the Committee of Ways and Means; the second to the Committee on Naval Affairs; and the third to the Committee of Claims.

The House resolved itself into a Committee of the Whole on the bill providing for the disposition of three several tracts of land, in Tuscarawas county, in the State of Ohio, and for other purposes; which was reported with amendments, which were concurred in by the House, and the bill ordered to be engrossed, and read a third time tomorrow.

PUBLIC LOTS IN WASHINGTON.

The following report was yesterday made by Mr. **Brent**, of Louisiana:

The committee appointed by virtue of a resolution of the House of Representatives, of the 4th day of March, 1824, have had the subject which that resolution proposes under consideration, and submit the following report, viz: A letter from J. Elgar, Commissioner of the Public Buildings, dated 5th of May, 1824, by which it appears that the gross amount of the sales of the public lots, in Washington City, as made by the Commissioners and Superintendent, was six hundred and eighty-nine thousand four hundred and forty dollars eleven cents, subject to a deduction for losses, occasioned by failures of purchasers, the amount of which has not been ascertained. The committee have not been able to obtain information from the books of the Commissioner of the Public Buildings, of the number of public lots sold, when sold, by whom, to whom, and for what price each lot; what part of the purchase money has been paid, and the exact balance due. To obtain this information, would require more time than probably remains of the present session of Congress, as the Commissioner of the Public Buildings states that it could not be done in less than two months.

As to the disbursements which were made by the late Samuel Lane, Commissioner of the Public Buildings, the committee find that a balance of $22,961 77 was due by the late Samuel Lane, Commissioner of the Public Buildings, at the time of his death, together with the balance of $1,740 14, which he had received on account of the sales of city lots; and that, since his death, his estate has received credit for different sums of money amounting to $9,075 6, which leaves a balance due the United States of $15,590 85; that his executor has not yet completed the settlement of his estate; and, therefore, it is impossible for the committee to say how much of that balance will eventually be refunded to the United States. It is probable the balance will be somewhat diminished, but that a large sum will remain unpaid.

The committee, therefore, submit the following resolution:

Resolved, That the President of the United States be requested to cause to be made, and submitted to this House, upon the first day of the next session of Congress, a full and complete statement of the exact number of lots belonging to the United States, in the city of Washington, which have been sold by the public agents for that purpose, when sold, by whom, to whom, and for what price each lot was purchased; what part of the purchase money has been paid, the amount due, and by whom due, and when payable; whether the debts are well secured, and whether the money received has been applied; to what purposes, and by whom.

The resolution with which the report concludes being taken up for consideration, a debate arose upon it, of which the following outline will serve to give a general idea:

Mr. **Cocke** said the report of the select committee, now under consideration, was not as full a response to the resolution as the documents before them would have warranted, although a complete and full report to all the objects of inquiry might not have been had at the present session of Congress. The number of lots sold, and price of each, was not so much desired as information in what manner the money placed in the hands of officers for disbursement was applied, and the objects of its application; especially, whether any law existed to authorize the expenditure. To this inquiry, the resolution creating the committee, directed their attention, and used the words "whether all the money received had been applied to ‘objects authorized by any existing law; how ‘much thereof has been paid into the Treasury." To these inquiries the committee might have reported, as the evidence was within their power. They have not, said Mr. C., pretended to state the amount which was appropriated, each year, for the repairs and completion of the Capitol, the President's House, and public offices, or to show what disposition was made of it. They have reported the sums due at the time of the Commissioner's death, and state the payments made since by his representative, leaving a balance still due to the public of more than fifteen thousand dollars. Besides the appropriations for those objects, Congress authorized large sums to be expended to purchase furniture for the President's House, and placed its disbursement under the control of the President. The letter of the Register of the Treasury accompanying the report, and to which the committee refer, shows that the sum of thirty-eight thousand dollars of the money, applicable to the purchase of furniture, was placed in the hands of the late Commissioner, thirty thousand dollars by the draft of the President, and the residue by its receipt from Mr. Whann, who had previously drawn it by the authority of the President.

The committee declined to inquire, or report, what disposition has been made of this $38,000, alleging that it was a private transaction between the President and Commissioner Lane; that, as the money was to be expended under the direction of the President, he could appoint whomsoever he pleased, as his agent, and that the resolution did not authorize the inquiry. In this, sir, I think the committee are mistaken. Permit me, Mr. Speaker, to call your attention to the last clause of the resolution, to wit: "and what disposition has been made of the money *placed* in the hands of the late Superintendent of the City, for disbursement." I know that it was the intention of the mover to inquire into this expenditure, and I believe the resolution warrants it.

Before I advert to a settled account between Mr. Lane's executors and the agent of the President, I will use the language of Mr. Vinson's deposition now before me, "that it was generally 'understood that Lane was insolvent at the time 'he entered the army, and that he was not considered a man of property at the time he com'menced on the duties of his office as Commission'er;" and this statement is corroborated by the amount of the assets which came to the hands of his representatives.

The first item of the settled account between Colonel Lane and Mr. Monroe is a charge by Mr. Monroe against Lane.

To amount of furniture sold to the United States, and carried to his credit with the United States - - - - - - - $9,071 21

On the opposite side is a credit—

By cash for furniture - - - - - 10,000 00

I am unable, sir, to account for this difference in amount.

The second item of the charge is—

Amount of ditto, bought by Mr. Lee, paid for by Mr. M., and credited to S. Lane, with United States $9,659 66.

The third item, which appears to relate to the furniture, is, a balance of $38,000, public money, appropriated for furniture, not accounted for by S. Lane, and for which Mr. M. is responsible, $1,556 15.

Amount paid to Mr. M. for articles for the President's House, and for which the vouchers were delivered to S. Lane, $778 21.

Error in the sum allowed for Geater, $36, paid for mattresses, being for the house.

Amount of check on the Bank of Columbia, for the amount in the hands of Mr. Whann, $6,000.

Check on the Bank of Columbia, $1,500.

The other items of charge, I am not prepared to explain; but the whole amount of charge is $29,950 96; against this sum, is the $10,000 before spoken of, as a credit, with sundry other items for cash paid to individuals, for Mr. Monroe, by Lane, some of which, sir, I shall notice.

Cash paid Mr. Yard, $2,000.

I have no document to show for what articles this sum was paid, but the committee was informed by one of its members, the gentleman from Virginia, that the President's carriage constituted a part.

It appears, from this account, that the sum of $2,785 49, was paid by Mr. Lane, to Russell & La Farge, and for which Mr. Monroe has entered a credit. The account of those individuals I hold in my hand, which Mr. Monroe, on the 4th of May, 1818, endorsed as just, and approved by him. The letter accompanying the account, after the usual compliments, states:

> "We have the honor to enclose, herewith, duplicate bills of lading, of which one is sent by us to the collector of the customs at Alexandria, for forty-one packages, amounting, as per invoice enclosed, to francs 83,026 30. Bill of lading for five cases paper hangings, amounting, as per invoice, to francs 6,185 55. Bill of lading for thirty-nine cases, containing 1,200 bottles Champaigne and Burgundy wine, as per invoice, francs 5,962 47; and bill of lading for seven cases, of which six are for Mrs. Monroe, amounting to francs 9,056 30, and one for Mrs. Decatur, amounting to francs 803—for which we have debited the account of your Excellency, by virtue of the letters of credit of your Excellency and of Colonel Lane."

The account of Russell & Lafarge also shows the application of $12,000, which has been remitted to Europe, and the net proceeds of which they had received. The residue of their account, I understand, was paid by Mr. Lane, for which, I presume, the above credit in the settled account, constitutes a part.

The next item that I shall notice, is the sum of $266, paid to Mrs. Elzey, a milliner, in this city, as I am informed; of the particular items, I have never inquired. The sum of $96 62½, paid Mr. Mauro, and credited, appears, from his statement before me, to be for brandy, wine, spirits, lemons, demijohns, tea, porter, and mustard, delivered by orders of Colonel Lane, for the use of the President's House. The sum of $28, paid Mr. Graeff, and also credited in the account, appears from his statement to be for two cases of claret. The next item of $124 25, paid to Thomas Coote & Co., is by his statement, for beer, delivered to Mr. Monroe, and paid for by Colonel Lane. As to the other items of credit, I have no statement to show for what the sums were expended; but the amount of credits given in the account, is $36,466 51½, leaving a balance due S. Lane of $6,515 55½; and immediately below the balance thus stated, is the following entry: "Tom's expenses and a cart to Albemarle, in 1817, $60," which, if added to the above balance, would make $6,575 55½.

Sir, I have founded these observations on documents now on my table. If I have erred I regret it—they are made from a sense of duty which I owe to my constituents—and I have no unfriendly feelings to gratify. The furniture of the President was valued, before delivery to the Government; but as he had authority to direct the disbursement of the money, it seems to me that it was making a contract with himself. The settlement of which I have been speaking, was made in June, 1822; on the 18th November following, as well as I recollect, $2,000 was paid into the Treasury and credited to Colonel Lane: 1st. To balance the furniture account, for which Mr. Monroe seems to have held himself responsible, and the residue to his credit as Commissioner of the Public Buildings. On the 2d January following, one other $2,000, was paid and credited to Lane's account.

If, sir, I am not mistaken in the views I have taken, an inquiry ought to be had. To this end I move you to recommit the report, with instructions to inquire—

> "In what manner the money arising from the sale of city lots has been expended: in what manner the money appropriated by Congress to complete a repair of the public buildings has been disbursed; and how the money appropriated to purchase furniture for the President's House has been disbursed; by whom, and to whom paid, and for what."

Mr. **Baylies**, of Massachusetts, spoke in reply, and explained and defended the report of the committee, stating the reasons why the report did not go into farther statements.

Mr. **Brent**, of Louisiana, (who made the report from the committee,) replied to the observations of Mr. **Cocke** nearly as follows: He said it had been stated by the honorable gentlemen that he opposed this report, to have impartial justice done, and that he was actuated by a consideration for the public interest. Mr. B. then observed that he meant not to arraign the motives of the gentleman, but he could assure the House that the members composing that committee were as true friends to their country and to impartial justice, as the honorable member who had stated it. [Here Mr. **Cocke** interrupted Mr. B., and declared he meant no insinuation against the committee, and that he believed their conduct flowed from the best of motives.] Mr. B. continued. I receive the explanation for myself and for the committee, but the statement made of the facts has not been given with the candor the gentleman ought to have observed. He has made a statement of accounts between the President of the United States and Lafarge Russell & Co., of France, Samuel Lane, of this city, and others, of their private transactions, and has stated them as if these accounts had been contracted for the public, and paid out of the public money, when he knows full well that such are not the facts. He has thrown out insinuations against the Chief Magistrate of the nation, calculated to tarnish the honest reputation of that patriot, which he has earned in the faithful service of our country. As a member of the committee, Mr. B. observed, he was acquainted with those facts, and would state them to the House, and he vouched for their correctness. Mr. Monroe took the Presidential Chair after the war, after the President's House had been reduced to ashes, with its furniture in it, and Congress, as usual, made an appropriation to purchase new furniture. The President wrote to Lafarge, Russell & Co., of France, to send, for the use of the President's House, certain descriptions of furniture, and also to send several articles for his own private use and that of his family. These merchants, in making out their account, blended the public and private account of the President together, and made out one account, which was forwarded to the President, with a draft for the money. This draft arrived when Mr. Monroe was absent in the discharge of an important and useful duty to his country. Mr. Lane, who was the Commissioner of the Public Buildings, and the proper person to pay the charge for the furniture to the President's House, paid for it, and, the President being absent, as his friend, he also paid for the articles for the private use of the President, not out of the public money, but out of his own money, and charged Mr. Monroe with it upon his private account. A subsequent settlement took place, in which Mr. Monroe paid this sum to Mr. Lane, as a private debt; all the other cases named by the gentleman from Tennessee, are of the precise, same nature; all of them private transactions between Mr. Monroe and Mr. Lane. Several years after these accounts were settled, Mr. Lane died, and it appears that his estate is in arrears to the United States. It is now contended that because Lane received public money, that, therefore, the money he paid for Mr. Monroe on his private account, must be presumed to have been paid with the public money, and that Mr. Monroe knew it, and must pay back the money to the United States, although he has fairly and honestly accounted for it to Mr. Lane. Who ever heard of such an unjust, illiberal, and unjustifiable attack?

As regards the charge about the furniture of the President taken for the United States by the Commissioner of the Public Buildings, the proceedings in that case can show the accusation of *indecency, indelicacy*, made by the gentleman, to be incorrect. There was no furniture when Mr. Monroe went into the President's House, fit for its use. Mr. Lane proposed to purchase some valuable furniture that had been sent from France to Mr. Monroe. Mr. Monroe agreed to let the United States have it on condition that he might re-take it when he went out of office, upon repaying the money he received for it. To this effect a written agreement was made, and is on file. The furniture was then valued by two highly respectable gentlemen, (General Van Ness, of the city, and General Mason, of Georgetown,) assisted by two mechanics, judges of its quality, and, after estimation made, it will be seen, by Mr. Lane's letter, that the President sold it for twenty-five per cent. less than similar furniture could be purchased for. All these facts were shown in the committee, and why did not the gentleman, (Mr. COCKE,) if he is actuated by no other motive than impartial justice, state them to the House? Mr. B. then observed that there was something wrong in this business. He would not indulge in observations which this attack might justify. The object of it occupied too elevated a stand, was too well known to his country, and had served her too faithfully in every situation to which he had been called, to be reached by any ungenerous allusions, whether made in the discharge of a public duty, or to gratify other views. From this statement, the House will perceive, Mr. B. continued, that the committee acted correctly in not interfering with the private concerns between Mr. Lane and the President. He then showed that the subjects submitted to the Committee had been properly considered, and that the report was as full as it could be made.

Mr. B. concluded by deprecating a false impression produced by the observations of the gentleman from Tennessee, injurious to the President, whose conduct he indicated as not only pure and honest, but as honorable, in a high degree; and expressed his hope that the motion of the gentleman, (Mr. COCKE,) would be rejected, and the report of the committee approved, and, by its approval, an expression might be given to the conduct of the President. He wished it so to be considered.

Mr. MERCER, of Virginia, followed Mr. B., and expressed his unfeigned regret at the course pursued by the gentleman from Tennessee. He alluded to the personal intimacy he had enjoyed and esteem he had felt for Mr. Monroe from his boyhood; uttered his scorn at the style of insinuation in which a private account had been examined on this floor, which was wholly of a private character, and which it would degrade the House to meddle with. He went into a detailed statement of the conduct of the President in relation to the expenditures for his family use and for the furniture of the President's house, and closed with moving that the amendment proposed by Mr. COCKE, lie on the table. But this motion he withdrew, to give an opportunity for reply.

Mr. COCKE rose in reply, and explained some of the observations he had before made—went into a further examination of the account of the late Colonel Lane, and of his transactions with the President, and persisted in maintaining that the report ought to have gone farther than it did, in the investigation of these particulars.

Mr. A. STEVENSON, of Virginia, said, that it was due neither to the character of the distinguished individual concerned, nor to the duty and dignity of the House, to reply to the observations just made. He observed that, when the Chief Magistrate now in office should retire, he would retire poor, and that no man would have it in his power to detect the public money in his hand, and that it would be found that that officer had acted in the affair adverted to, and all others of a pecuniary nature, not only with purity, but with liberality.

Mr. KREMER, of Pennsylvania, expressed his hope that the motion to lay the resolution on the table would never be renewed: that the investigation should be made and fairly met, and the opinion of the House expressed by yeas and nays, that it might be seen who they were who had assailed a man grown gray with honor in his country's service.

Mr. MERCER rose to explain why he should not renew the motion he had made, to lay the subject on the table. He stated what had been done in the select committee, and urged the unreasonableness and impracticability of endeavoring to obtain, in the few remaining days of the session, information which nine weeks had been insufficient time to procure. He concurred with his colleague, in the opinion that the President, instead of having appropriated improperly any part of the public money, was, and would be found, a creditor, rather than a debtor of the nation. He gave a testimony to the purity and honor of Mr. Monroe's private character, and expressed a hope that, by yeas and nays, the House would mark its sentiments of what had passed in relation to this subject.

The yeas and nays were ordered.

Mr. ROSS expressed a determination to vote for the recommitment. He entertained the highest respect for the Chief Magistrate, but thought, on the principles of a republican government, that officer, as well as any other, should be held to a strict account for public moneys intrusted to his hands. He should not feel any greater delicacy from the fact of his being a Virginian, (which had been alluded to by Mr. STEVENSON,) than if he was from Ohio, or Michigan, &c., and he thought the investigation was due to the President himself.

Mr. STEVENSON explained. In alluding to Mr. Monroe's being a Virginian, he only meant to state one of the reasons why he felt it his duty to vindicate his good name.

Mr. BUCHANAN, of Pennsylvania, expressed his surprise at the course of the debate. The evidence on which the grovelling and unworthy charge of peculation was now attempted to be brought against the first officer of the Republic had been in the possession of a committee of this House ever since last Winter. He expressed a high sentiment of respect for the character of Mr. Monroe, and thought that he was the very last person against whom the charge of an avaricious love of money, and base collusion with a subordinate officer, would ever be brought, or could ever be substantiated. He trusted this House, at this late period, would not enter into another investigation, probably of groundless charges.

Mr. COCKE then rose, and stated that since there seemed much objection to the motion, in point of time, he would consent to withdraw it till the next session.

The question then recurring on concurring with the committee in the resolution reported by them—

Mr. Hamilton, of South Carolina, rose, and wished distinctly to understand whether or not the gentleman from Tennessee meant to charge the Chief Magistrate of the Union with an embezzlement of the public money. If he did, it was proper that that gentleman should remember, that it was due to this House and to this nation that an accuser, bringing such a charge, should be himself without suspicion. That gentleman could appreciate the effect of injurious charges on the reputation of persons holding distinguished stations, having been himself the subject of them—

[Here Mr. Little called the gentleman to order.]

The Chair pronounced him to be not out of order.

Mr. Hamilton proceeded, and observed that, in certain public prints of this city, the gentleman from Tennessee had been openly charged with fraudulent conduct—

[Here Mr. Speaker pronounced Mr. Hamilton to be out of order.]

Mr. Poinsett, of South Carolina, rose to corroborate the statements made by the gentlemen from Virginia, and was proceeding to say that he had seen an explanation of these transactions the most satisfactory and honorable to the President, when

Mr. Speaker asked him to give way to allow Mr. H. to proceed.

Mr. Hamilton then resumed, and expressed his reprobation of the course pursued in introducing a charge of this magnitude and complexion at such a period of the session, and his confidence in the unblemished purity of the character now attempted to be destroyed.

Mr. Brent stated that the delay in bringing forward the report of the committee was to be attributed to the chairman alone, (Mr. Cocke,) and stated certain facts in relation to the course of the committee's proceedings.

Mr. Cocke rose in reply, and denied that he had ever been absent from the committee's meetings. His sole object was to have a full and fair investigation, &c. With respect to himself, he admitted that insinuations had been brought forward against him in a certain print, and at a proper time he meant to notice them, and to explain the facts to which they had reference. He declared his determination to persevere in doing his duty to the people in this House, whatever feeling it might excite in the minds of some gentlemen towards him.

Mr. Wood, of New York, then rose and observed, that, having been three years since on a committee to whom these accounts had been submitted, he felt it to be his duty to testify to the vigilance, integrity, and perseverance in his duty of the honorable gentleman from Tennessee—whom he commended for probing radically every rotten part of the public expenditure. He thought that gentleman had, on the present occasion, done himself immortal honor, by breasting the storm in this House.

Mr. Vinton, of Ohio, asked an explanation of Mr. Cocke, which he gave; when,

Mr. Bartlett, of New Hampshire, moved to lay the report of the committee on the table.

The question being taken, it was decided in the negative—ayes 77, noes 89.

The resolution having been again read—

Mr. Forsyth, of Georgia, rose and said, that, approving the resolution, he should vote for it, but he protested against any conclusion being drawn from that vote as to the matter which had been discussed that morning. In making this protestation, he did not intend to sanction the statements or opinions of the gentleman from Tennessee, (Mr. Cocke.) All he meant was, that he gave no vote upon a question which had not been examined.

The Speaker suggested the propriety of dispensing with the yeas and nays on this resolution; there seemed to be no opposition to it; but, Mr. Mercer, who had moved for their being taken, continuing to insist upon them, they were ordered accordingly.

Mr. Cobb and Mr. Williams, of North Carolina, made in substance a similar protest to that of Mr. Forsyth.

When the question on concurring with the select committee, in the resolution reported by them to the House, was decided by yeas, unanimously, in the affirmative—yeas 183, nays none.

So the resolve was agreed to.

Friday, May 14.

Mr. Rankin, from the Committee on the Public Lands, to whom a petition was referred on the 22d of March, upon the subject, reported a bill granting to the Corporation of Tuscaloosa, certain lots, and privileges over the reservations and commons, in said town; which was read twice, and committed to a Committee of the Whole.

Mr. Newton, from the Committee on Commerce, to whom the subject had been referred, reported a bill for the relief of James Lenox, William Maitland, G. B. Abeel, Gulian Ludlow, and Hector Scott; which was read twice, and committed to a Committee of the Whole.

The Speaker laid before the House a communication from the Secretary of the Treasury, covering a report, and statement of balances due by receivers of public money, on account of sales of public lands, against whom suits have been instituted; which communication was read, and laid upon the table.

On motion of Mr. Allen, of Massachusetts, it was

Resolved, That, from and after the commencement of the present session of Congress, there be allowed to the Postmaster of this House four dollars per day, during the sessions; and that the Committee of Accounts be authorized to make him such further allowance for services rendered, as such Postmaster, during the recess of Congress, as they shall think reasonable and just; and that the same be paid out of the contingent fund of the House.

Engrossed bills of the following titles, viz:

An act to revive and extend the term of certain pensions, which have expired by limitation;

An act to authorize the issuing of letters patent to Nathaniel Sylvester;

An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims;

An act providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes; were respectively read the third time, and passed.

On motion of Mr. WEBSTER, the House went into Committee of the Whole, on the bill further to amend the judiciary system of the United States. The bill was amended by substituting the third Monday of January for the first Monday of January, as the day of commencing the Winter term of the Supreme Court, (the court at present meets on the first Monday of February.)

Mr. W., despairing of getting through a discussion of the whole provisions of the bill, moved to strike out all after the first section; but, at the suggestion of Mr. BRENT, moved that the Committee rise, (with the understanding that a separate bill be reported to cover the object in the first section of this bill;) the Committee then rose, and had leave to sit again.

Mr. LIVINGSTON moved to postpone the orders of the day to take up the bill for employing Mr. Peale to paint an equestrian statue of WASHINGTON. The motion was lost.

A similar motion in favor of some other bills was also lost; when, on motion of Mr. MCLANE, the House went into Committee of the Whole, on the bill to revive and continue in force the first, second, third, fourth, and fifth sections of the act further to provide for collecting duties on imports and tonnage; which was slightly amended, and ordered to a third reading.

On motion of Mr. NEWTON, the House went into Committee of the Whole, on the bill "to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes." Several amendments were proposed and agreed to. Some discussion arose on the location of a lighthouse on the south shore of Lake Erie, for which two different positions were proposed—the Committee preferring the mouth of Grand river, and Mr. WRIGHT offering a resolution in favor of a point between Erie and Sandusky bay. Mr. WHITTLESEY having explained the facts, the amendment was rejected, and the bill reported to the House.

Mr. BEECHER moved to lay the bill and amendment on the table. The motion was lost. The House concurred in the amendment, when the further consideration of the bill was postponed to to-morrow.

The Committee of the whole House to which have been committed, respectively, the bill granting donations of land to certain actual settlers in the Territory of Florida; and the bill providing for a grant of land for the seat of government in the Territory of Florida, and for other purposes, were discharged from the consideration of the said bills.

OCCUPYING CLAIMANT LAWS.

The resolutions some time since offered by Mr. LETCHER (in relation to decisions by the Supreme Court of the United States) were taken up—ayes 80, noes 48.

The House accordingly went into Committee of the Whole on the state of the Union on those resolutions, which are as follow:

"*Resolved*, That provision ought to be made by law, requiring, in any cause decided in the Supreme Court, in which shall be drawn in question the validity of any part of the constitution of a State, or of any act passed by the Legislature of a State, that —— justices shall concur in pronouncing such part of the said constitution or act to be invalid; and that without the concurrence of that number of said justices the part of the constitution or act of the Legislature (as the case may be) so drawn in question shall not be deemed or holden invalid.

"*Resolved*, That the justices aforesaid, in pronouncing their judgment in any such cause, as aforesaid, ought to be required by law to give their opinions, with their respective reasons therefor, separately and distinctly, if the judgment of the court be against the validity of the part of the constitution or act drawn in question, as aforesaid.

"*Resolved*, That the Committee on the Judiciary be instructed to report a bill, in conformity to the preceding resolutions."

Mr. WEBSTER moved to amend the first resolution by striking out all after the word *Resolved*, and inserting—

"That provision ought to be made by law that in all suits now pending, or which may hereafter be pending, in the Supreme Court of the United States, where is drawn in question the validity of any treaty or statute of the United States, or where is drawn in question the validity of any statute of a State, or the constitution thereof, or of any authority exercised under any State, on the ground of repugnancy to the constitution, treaties, or laws, of the United States,—no judgment shall be pronounced or rendered until a majority of all the justices of said court, legally competent to sit in the cause, shall concur in the opinion either in favor of or against the validity thereof; and, until such concurrence, such suit shall be continued under advisement: *Provided, however*, That said court should not, by such provision, be prevented from rendering judgment in any such suit, when it should be of opinion that the final adjudication of the merits thereof did not require the decision of such continuance or legal question as aforesaid."

The CHAIR decided this amendment to be out of order, as there was another amendment pending.

Mr. FORSYTH, who had offered this amendment, withdrew it, to allow discussion on that presented by the gentleman from Massachusetts.

Mr. CLAY spoke in opposition to the amendment, and in defence of the resolution as offered by Mr. LETCHER. He objected to that part of the amendment which prescribes that a majority of the judges, "competent" to decide, shall be required—there being no umpire to decide upon their competency; and if two declined, a majority will be only three judges. He thought that when four judges should be found on one side and three on the other, the united decisions of the State Legislature and State Judiciary, together with the three Supreme Court judges, would outweigh the judgment of the remaining four. He insisted on the equity and policy of requiring five judges to concur when the whole authority of one or of many States was to be set aside. He adduced the case of the bankrupt laws, passed by a majority of all the States, as an illustration of the position. He thought that no danger could arise from such an arrangement to the interest of the General Government. It would soothe the States whose laws were set aside, and conciliate the confidence of all parties concerned.

Mr. P. P. Barbour met the objection made to the resolution of Mr. Letcher, that, if it prevailed, a minority might control a majority, by refusing to concur in their decision. This, he said, was no more, but much less, than happened every day in the case of an ordinary jury, where one man's refusal controlled the decision of eleven men.

Mr. Webster spoke in reply, and stated a difference in these two cases, since, in the one, a minority did virtually give a decision, (because the court must decide, one way or the other,) whereas, in the other, the refusal prevented a verdict, and no decision was given on either side. He went into the general principles on which the Supreme Court was erected, by the Constitution, as a safeguard to the General Government against the State Governments, when disposed to violate the Constitution. He maintained that no greater number should be required when a State was a party, than when an individual, claiming under a State law, was a party—because the authority of the State was involved in its laws. He stated the improbability that all the seven judges should, in each case, attend; and, if one judge should be involved in the question, five only would be left. If this resolution passed, not even four out of these five, could decide. He referred to the late case of the steamboat monopoly. In that case one judge was absent, and if it had happened, as it might, that another was indisposed, or interested in the question, so as to leave a court of five judges only, four out of the five would not have been competent to pronounce a decision, if the provision of Mr. Letcher's resolution had been law. It was a fair presumption, that State judges would lean toward the authority of their own State. A mere majority of those judges could decide against the United States, but now, more than a majority was to be required to decide against a State. This was unequal. The very case of the bankrupt laws, quoted by gentlemen, furnished a strong instance. He protested against a greater number being required to decide a cause one way than the other. He passed a eulogy on the Supreme Court as a tribunal. Its whole weight with the community rested on the strength of the reasons it brought for its decisions. He adverted to the encomium pronounced on a great judge in New York, (Chancellor Kent,) and subscribed to it with the most entire assent, and he quoted from an introductory lecture lately delivered by that jurist a very decided testimony to the distinguished character of the Supreme Court.

Mr. Clay replied—and while he subscribed to a very high opinion of the Supreme Court, he could not acknowledge that the moment a man was appointed a member of that court, he became exalted above his whole species in intellect and virtue. He spoke of their power practically to make the Constitution, by giving, authoritatively, their interpretation of it. He warned the country of the consolidating influence of this power, and maintained the necessity of guarding the State tribunals. The Supreme Court was virtually an umpire between the General Government and the States—its appointment was by one of these two parties, and its bias might be expected to be towards that party on which every member of the tribunal was dependent.

On the subject of the attendance of judges, he had attended sixteen or seventeen terms, and had never witnessed more than two, at the most three, where a full court was not present. In the steamboat case, he asked whether, had four Supreme Court judges decided against three, the opinion of the Supreme Court of New York; of Judge Kent, (than whom there was not more, at the utmost, than one greater jurist on the bench of the Supreme Court,) and of the Court of Errors of that State, added to the opinion of three judges of the Supreme Court, ought not to outweigh the opinions of four Supreme Court judges?

In reference to the argument respecting a jury, he observed, that the want of a verdict, when all did not agree, was not owing to the mere declaration of law, but to the reason of the case, on which the law was founded. He viewed the amendment of the gentleman from Massachusetts as worse than nothing in the case, and he concluded by expressing an earnest hope that it would not be adopted.

The debate was farther continued by Mr. Buckner, who spoke in opposition to the amendment; when, on motion of Mr. Metcalfe, the Committee rose and had leave to sit again.

THE TARIFF BILL.

The Committee of Manufactures reported the bill from the Senate, "to amend the several acts laying duties on imports," recommending the concurrence of the House in the amendments made to it by the Senate, with certain exceptions. The bill and amendments were referred to a Committee of the Whole on the state of the Union.

Mr. Forsyth moved to print the committee's report. The motion was opposed by Messrs. Tod and Taylor; when it was superseded by a motion to go into Committee of the Whole upon the bill.

The yeas and nays being required on this question, it was decided in the affirmative—yeas 110, nays 72, as follows:

Yeas—Messrs. Adams, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forward, Garrison, Harris, Harvey, Hayward, Hemphill, Henry, Herkimer, Hogeboom, Ingham, Isacks, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rose, Ross, Saunders, Sandford, Sharpe, Sloane, William Smith, Spence, Standefer, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Wilson of Ohio, Wood, Woods, and Wright—110.

Nays—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Forsyth, Frost, Gatlin, Gist, Govan, Hall, Hamilton, Hayden, Herrick, Hobart, Hooks, Lee, Lincoln, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Scott, Sibley, Arthur Smith, Alexander Smyth, Spaight, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—72.

The House, accordingly, went into Committee of the Whole on the state of the Union, Mr. Taylor in the Chair.

The amendments of the Senate to the bill were about to be read by the Clerk, when an inquiry was made whether those amendments could be present, when they had been ordered to be printed? On this subject a desultory conversation arose, in which much excitement was evinced. Messrs. Cuthbert, Webster, A. Stevenson, Cambreleng, Metcalfe, McDuffie, Clay, Tod, and Hamilton, took part in this conversation. When the amendments of the Senate were all read—

Mr. Campbell, of Ohio, thinking it due to the House that it should have the amendments before it in a printed form, and having ascertained that this could be effected by to-morrow morning, moved that the Committee rise.

The motion was carried—ayes 97, noes 91.

Mr. Campbell moved for printing the bill and amendments; on which a desultory debate took place between Messrs. Campbell, Foot of Connecticut, McArthur, Rankin, Wright, Hamilton, Taylor, and Clarke; and it was finally ordered.

Saturday, May 15.

Mr. Harvey, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act in addition to an act establishing naval hospitals," reported the same with an amendment, and the bill was committed to a Committee of the Whole.

Mr. Vinton, from the Committee on the Public Lands, to which was referred a memorial of the General Assembly of the State of Ohio, upon the subject of the lands set apart for the purposes of public schools, made a report thereon, accompanied by a bill to authorize the Legislature of said State to sell and convey certain tracts of land, granted to said State for the use thereof; which bill was read twice, and committed to a Committee of the Whole.

On motion of Mr. A. Stevenson,

Resolved, That the Clerk of this House be directed to cause to be prepared a general index to the latest edition of the laws of the United States, from the commencement of the present form of Government, as well as the treaties with foreign nations and the Indian tribes; in which shall be specified the year in which each law or treaty was passed or concluded, as well as the volume, and page of the volume, in which it will be found; and to cause the said index to be printed, and a copy thereof, in a bound form, to be delivered to each member of Congress, at the next session.

Ordered, That the third reading of the bill to revive and continue in force, the first, second, third, fourth, fifth, and seventh sections of the act, entitled "An act further to provide for the collection of duties on imports and tonnage," passed the 3d of March, 1815, be postponed until Monday next.

A message from the Senate informed the House that they have passed a bill, entitled: An act for the relief of the representatives of Samuel Mims, deceased, with an amendment; in which the Senate ask the concurrence of this House. The Senate have also passed bills of the following titles, viz: An act for the relief of John H. Howland, of New York; an act to permit Anna Dubord to bring certain slaves into the State of Louisiana; an act for the relief of the representatives of John Donnelson, Stephen Hurd, and others; an act authorizing an examination and survey of the harbor of Charleston, in South Carolina; of Saint Mary's, in Georgia; and of the coast of Florida, and for other purposes; in which four bills last mentioned, they ask the concurrence of this House.

THE TARIFF BILL.

On motion of Mr. Taylor, the House went into Committee of the Whole on the state of the Union, and took into consideration the bill for amending the several acts laying duties on imports, with the Senate's amendments thereto.

The first amendment having been read, as follows:

"First. On Russia, Hollands, and Ravens duck, osnaburgs, burlaps, and ticklenburgs, a duty of fifteen per centum ad valorem."

Mr. TOD moved to strike out "Russia, Hollands, and Ravens," and insert "sail," so as to read "on sail duck."

This amendment was advocated by Mr. McKIM, and agreed to.

The second amendment having been read, as follows:

"Except worsted-stuff goods and blankets, which shall pay twenty-five per centum ad valorem."

It was agreed to.

The third amendment having been read, viz:

To strike out, "until the thirteenth June, one thousand eight hundred and twenty-six, and after that time a duty of thirty-seven and a half per centum ad valorem;" and insert, "*Provided*, That, on all manufactures of wool, or of which wool shall be a component part, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem"—

Mr. TOD opposed this amendment, as holding out a strong temptation to the importer to undervalue his goods, (an evil already complained of.)

Mr. WEBSTER proposed to amend this proviso, by making a distinction in the goods to which it applies between those made in this country and others—and he moved the following amendments:

First. To strike out the words, "or of which wool shall be a component part."

Second. To insert, after the word, "except baizes and flannels," so as to make it read, "*Provided*, That, on all manufactures of wool, except baizes and flannels, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem."

Mr. INGHAM, although preferring this proposition to the Senate's amendment, objected to it as operating against an important manufacture now much and increasingly used in this country for negro cloths, and which was made of woollen and cottons.

The question being taken, the amendment was adopted.

The question then recurring on the proviso, as thus amended, a desultory debate arose between Messrs. INGHAM, MARVIN, CAMBRELENG, POINSETT, MALLARY, WRIGHT, McDUFFIE, TOD, A. STEVENSON, COBB, SHARPE, WARFIELD, FORSYTH, MERCER, HAMILTON, and WEBSTER, in relation to the fact of the use of this kind of mixed goods for negro cloths, their relative quality, cheapness, and warmth—in comparison to cloths made wholly of wool—the probability of fraud in the invoices—the exclusive operation of the tax on the Southern States—the effect upon the health of the slaves, &c.

The question being taken on the proviso, as amended, it was rejected—ayes 83, noes 85.

So the Committee refused to insert the Senate's proviso to the first section of the bill.

The fourth amendment, which is to strike out the word "silk" from those on which 25 per cent. ad valorem is charged—and the insertion of the following words: "and on all manufactures of 'silk, or of which silk shall be a component material, coming from beyond the Cape of Good 'Hope, a duty of 25 per centum ad valorem, on 'all other manufactures of silk, or of which silk 'shall be a component material, 25 per centum ad 'valorem" also,

The fifth amendment, which is to decrease the minimum on cotton goods from 35 to 30 cents per square yard; also,

The sixth amendment, which is to strike out only so much of the prospective duty on wool as increases that duty by an annual addition of 5 per cent. from 30 per cent. until it shall reach 50 per cent.; also,

The eighth amendment, which strikes out the duty on "Venetian" carpeting; were respectively agreed to.

The ninth amendment, which is to strike out "two cents per pound," as the duty on hemp, and substitute "thirty-five dollars per ton," having been read—

Mr. TOD moved to insert before the words "thirty-five dollars," the words "at the rate of," which was agreed to.

The tenth amendment, which is to strike out the words "On flax three cents per pound," was agreed to.

The eleventh amendment, is to strike out the following clause: "On cotton bagging, four and a 'half cents per square yard, until the 30th day of 'June, 1825; and, afterwards, a duty of five and 'a half cents per square yard."

Mr. CLAY requested a division of the question. It was divided accordingly; and, the question first being on agreeing to strike out the first clause, viz: "On cotton bagging, four and a half cents per square yard," it was negatived—yeas 76, nays 99.

So the Committee refused to concur with the Senate's amendment to the first part of this clause.

The question then being put on striking out the remainder, it was agreed to without opposition.

The twelfth amendment, which is to change the specific duties on cutting knives, scythes, sickles, reaping hooks, spades, and shovels of iron or steel, to an ad valorem duty of 30 per cent.;

The thirteenth amendment, which changes the specific duty on iron screws, and on screws of iron for wood, called wood screws, to 30 per centum ad valorem;

The fourteenth amendment, which is to strike out the duty on frying-pans;

The fifteenth, changing the specific duty on vessels of copper, to an ad valorem duty of 35 per cent;

The sixteenth, which changes the specific duty on quills, to an ad valorem duty of 25 per cent;

The seventeenth, which changes the specific duty on slates and tiles for, building, to ad an valorem duty of 25 per cent;

The eighteenth, which changes the specific duty on black lead pencils, to an ad valorem duty of 40 per cent;

The nineteenth, which strikes out the duty on tallow;

The twentieth, which inserts a duty on oats, of ten cents per bushel;

The twenty-first, which inserts a duty on prunelle and other shoes or slippers of stuff or nankeen, 25 cents per pair, and on laced boots or bootees, one dollar fifty cents per pair;

The twenty-second, which strikes out the duty on pepper, pimento, cassia, cocoa;

The twenty-third, which inserts a duty on ginger of two cents per pound;

The twenty-fourth, which strikes out the duty on filberts, pine apples, oranges, lemons, and limes;

The twenty-fifth, which inserts the "highest rate of duties" in place of the word "same," on all window glass, imported in plates, uncut;

The twenty-sixth, which strikes out the duty on glass beads;

The twenty-seventh, which inserts in the clause laying a duty on books the following; "except 'books printed in Latin or Greek; on all books 'printed in Latin or Greek, when bound, fifteen 'cents per pound; when not bound, thirteen cents 'per pound;

The twenty-eighth, and twenty-ninth, which reduce the duty on other books, when bound, from 37 to 30 cents per pound, and, when in sheets or boards, from 33 to 26 cents per pound;

The thirtieth, which changes 12½ per cent. ad valorem to 7½ per cent. ad valorem, as the rate now paid, on which an additional duty of 12½ per cent. is to be laid, and adding certain words, so as to make the whole clause read: "A duty of 12½ 'per centum ad valorem on all articles not herein 'specified, and now paying a duty of 'seven' and 'a half per centum ad valorem; 'with the excep-'tion of patent adhesive felt, for covering ships' 'bottoms, which shall be admitted free of duty, 'until June 30th, 1826;'"

And the thirty-first, which strikes out the duty on all foreign distilled spirits; were respectively agreed to.

The thirty-second amendment, which is to strike out the 4th section of the bill being read—

Mr. **WEBSTER** moved to concur in so much of the Senate's amendment as strikes out the allowance of drawback "on nankeens," and the words "imported in American vessels from beyond the Cape of Good Hope." Agreed to.

The question then recurring on agreeing to strike out the residue of the 4th section—

Messrs. **CLAY**, **TOMLINSON**, and **RICH**, advocated striking out the whole section, not on its principle, but as objecting to a disagreement with the Senate on a matter of this kind—and, also, apprehending frauds on the revenue. Messrs. **POINSETT**, **LIVINGSTON**, **MERCER**, and **CAMBRELENG**, opposed the striking out.

The question on striking out the residue of the section, was decided in the negative—ayes 74, noes 79.

So the section, as amended, was retained.

The thirty-third amendment, which is to strike out the fifth section of the bill was agreed to without objection.

The Committee then rose, and reported the bill to the House. The question was taken on the several amendments, as reported by the Committee of the Whole, and agreed to, with the following exception:

On agreeing to the proviso, in the first section, in relation to woollens under 33⅓ cents, excepting baizes and flannels, the question was taken, and decided in the affirmative—yeas 97, nays 96, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, P. P. Barbour, Bartlett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayden, Hayward, Herrick, Hobart, Houston, Isacks, Kent, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Mercer, Mitchell of Maryland, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Richards, Rives, Rose, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Thompson of Kentucky, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Alexander of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Harris, Harvey, Hemphill, Henry, Herkimer, Hogeboom, Ingham, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rich, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wood, Woods, and Wright.

The **SPEAKER** voting in the negative, produced an equality of votes, which amounted to a rejection of the motion. So the House refused to concur with the amendment of the Senate, which inserts the proviso.

After the vote agreeing to a duty of 4½ cents on cotton bagging had passed the House, Mr. **MERCER** objected to the term "cotton bagging," as equivocal, and moved to reconsider the vote of concurrence. And the vote being reconsidered, after a prolonged and animated debate, the question on concurring with the Senate, in the first clause of the amendment, which strikes out the duty on cotton bagging, was decided in the negative—ayes 82, nays 108, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Brent, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Foot of Connecticut, Foote of New York, Forsyth, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hogeboom, Kent, Leftwich, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Rives, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Warfield, Webster, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Frost, Garrison, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isacks, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lawrence, Letcher, Lincoln, Little, McArthur, McKean, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rose, Ross, Scott, Sharpe, Sloane, Standefer, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wilson of Ohio, Wood, Woods, and Wright.

The House then agreed to the said amendment, to wit: to strike out these words "until the 30th June, 1825; and afterwards a duty of 5½ cents per square yard."

Other amendments were then concurred in; and the question arose to concur in that which proposes to strike out the following item, viz:

"On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto."

And being put, it passed in the affirmative—yeas 107, nays 84, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bradley, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cassedy, Collins, Crafts, Craig, Crowninshield, Cushman, Cuthbert, Day, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Foot of Connecticut, Foote of New York, Forward, Frost, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harris, Harvey, Hayden, Hayward, Hemphill, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Ingham, Jenkins, Kent, Lawrence, Lincoln, Litchfield, Livermore, Locke, Longfellow, McArthur, McDuffie, McKee, McKim, Mallary, Martindale, Marvin, Matson, Mercer, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Patterson of Ohio, Plumer of New Hampshire, Poinsett, Rankin, Reed, Rich, Rives, Sharpe, Sloane, Spaight, Spence, Sterling, A. Stevenson, J. Stephenson, Stoddard, Strong, Tattnall, Taylor, Ten Eyck, Tod, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Vinton, Webster, Whipple, Whittlesey, Williams of North Carolina, Wood, Woods, and Wright.

Nays—Mesrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, J. S. Barbour, Bartley, Beecher, Blair, Brent, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cobb, Cocke, Condict, Conner, Cook, Dwinell, Farrelly, Findlay, Forsyth, Garrison, Gurley, Henry, Houston, Isacks, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lee, Leftwich, Letcher, Little, Livingston, Long, McCoy, McKean, McLean of Ohio, Mangum, Markley, Matlack, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Patterson of Pennsylvania, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rose, Ross, Saunders, Sandford, Scott, Arthur Smith, Alexander Smyth, William Smith, Standefer, Stewart, Swan, Test, Thompson of Georgia, Thompson of Kentucky, Tracy, Trimble, Vance of North Carolina, Vance of Ohio, Van Wyck, Warfield, Wayne, Whitman, White, Wickliffe, Williams of New York, Williams of Virginia, James Wilson, Wilson of South Carolina, and Wilson of Ohio.

The residue of the said amendments of the Senate were then agreed to by the House, with an amendment to that which proposes to strike out the fourth section of the bill.

A motion was then made by Mr. Moore, of Kentucky, that the House do reconsider the vote by which it disagreed to so much of the third amendment of the Senate as proposes to insert a proviso in said bill, subsequently amended in this House, to read as follows:

> *Provided*, That on all manufactures of wool, except baizes and flannels, the actual value of which at the place whence imported shall not exceed 33⅓ cents per square yard, shall be charged with a duty of 25 per centum ad valorem.

And the question being put to reconsider said vote, it was determined in the negative—yeas 94, nays 100, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Blair, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hooks, Houston, Isacks, Johnson of Virginia, Kent, Kidder, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Mercer, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, James Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Thompson of Kentucky, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Adams, Allison, Baylies, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassedy, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Ingham, Jenkins, Jennings, J. T. Johnson, F. Johnson, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Reynolds, Richards, Rich, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, Wickliffe, Williams of New York, James Wilson, Wilson of Ohio, Wood, Woods, and Wright.

The Clerk was then directed to acquaint the Senate of the decision of this House on their said amendments.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of the representatives of Joseph Mims, deceased," was read, and concurred in by the House.

And then the House adjourned.

Monday, May 17.

The Speaker presented a memorial purporting to be from Louis Charles, Duc de Navarre, Dauphin de France, &c., representing himself to be the legitimate heir to the French Throne, and praying the friendly interference of the Government of the United States in his behalf.—Laid on the table.

Mr. McLane, of Delaware, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act relative to the Patent Office, and to the salary of the Superintendent thereof," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. Webster, from the Committee on the Judiciary, reported a bill "to regulate the mode of practice in the courts of the United States for the district of Louisiana;" which was twice read, and committed.

Mr. Hemphill, from the Committee on Roads and Canals, to which was referred a memorial of the Navigation Company for the purpose of connecting the waters of the Tennessee with those of the Alabama; as also, a resolution, instructing them to inquire into the expediency of making provision for connecting the waters of the Coosa and Tennessee rivers, made a report thereon; which was ordered to be laid upon the table.

Bills from the Senate of the following titles, viz:

1st. An act to permit Anna Dubord to bring certain slaves into the State of Louisiana;

2d. An act for the relief of the representatives of John Donnelson, Stephen Hurd, and others;

3d. An act for the relief of John H. Howland, of New York;

4th. An act authorizing an examination and survey of the harbor of Charleston, in South Carolina; of St. Mary's, in Georgia; and of the coast of Florida, and for other purposes, were read the first and second time, and referred; the 1st, to the Committee on the Judiciary; the 2d, to the Committee on the Public Lands; the 3d, to the Committee of Ways and Means; and the 4th, to the Committee of Commerce.

The bill to authorize the establishment of certain lighthouses, which had been discussed on Saturday, was again taken up. The discussion on the proper point on the South shore of Lake Erie, for the erection of a lighthouse, was resumed.

Mr. Bartley, Mr. Newton, Mr. Taylor of New York, Mr. Tomlinson, Mr. McArthur, and Mr. Whittlesey, engaged in the debate.

An amendment, offered by Mr. Bartley, which proposes to erect a lighthouse at the mouth of Cayahoga river, (Cleveland,) was rejected—ayes 58, noes 66.

Mr. Bartley then offered an amendment, to strike out the words "Grand river," and insert "the most proper place on the South shore of Lake Erie."

This amendment was also rejected; and then the bill was ordered to be engrossed for a third reading.

Mr. Conner called for the consideration of the resolution fixing a day of adjournment. The House refused to consider it—ayes 73, noes 75.

Mr. Tucker, of Virginia, moved the following resolution, which he supported by a short speech:

"*Resolved*, That the petition of Eugenie Amelie Beaumarchais de la Rue be referred to the President of the United States; that he be requested to cause the same to be considered in the pending negotiations with the French Government, relating to the claims of American citizens, for property illegally seized and confiscated; and if found to be just, then, and in that case, to be allowed in the final adjustment of the aforesaid claims."

The House refused now to consider this resolution by a small majority.

On motion of Mr. McArthur, the House took up for consideration the report of the Committee of Roads and Canals, in favor of the claim of Moses Shepherd.

Mr. Beecher explained the principles of the report. Mr. Johnson, of Virginia, advocated the claim; and the resolution recommended in the report was adopted, as follows:

Resolved, That the Secretary of the Treasury be directed to make up the account of Moses Shepherd for the work done on the Cumberland road, upon the

principles adopted by the committee in their report on the said petition; and if he should, from the facts and evidence known to him, applicable to the rights of the parties, differ in opinion with the committee in part or in whole; then, in that event, also state the account as to him shall appear to be right in equity and justice, the contract considered; and that he transmit the same to this House at the beginning of the next session of Congress, with all the evidence and documents in his possession, that he may deem necessary to a fair and full investigation of the claim of the petitioner.

Mr. Forward moved that the House take up the bill "laying duties on sales at auction." The motion was negatived.

Mr. Forsyth made a similar motion in respect to a bill "to extinguish the title of certain Indians to lands in Georgia."—Negatived.

Mr. Call moved for the consideration of the bill "granting donations of land to certain actual settlers in the Territory of Florida;" from which the Committee of the Whole was discharged on Saturday last. This bill was then read; its principles explained by Mr. Rankin, in reply to some queries and objections of Mr. McCoy. Mr. Call made further statements in explanation, and the bill then was ordered to a third reading.

Engrossed bills of the following titles, viz:

An act to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of the act, entitled "An act further to provide for the collection of duties on imports and tonnage," passed the 3d of March, 1815; "An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes, were read the third time, and passed.

A message from the Senate informed the House that the Senate have concurred in the amendments proposed by this House to the first and fourteenth amendments to the bill, entitled "An act to amend the several acts imposing duties on imports;" they insist on such parts of their third and sixteenth amendments to the same bill as have been disagreed to by this House, and they recede from such parts of their forty-eighth amendment as was also disagreed to by this House. The Senate adhere to their amendment, disagreed to by this House, to the bill, entitled "An act concerning invalid pensioners;" they have agreed to the first amendment proposed by this House to the bill which originated in the Senate, entitled "An act for the relief of Dean Weymouth;" and have disagreed to the second amendment to the said bill. They have passed bills of this House of the following titles, viz: An act for the relief of J. Ottramare; An act for the relief of John S. Moffit; with amendments to each, in which the Senate ask the concurrence of this House. They have passed a bill, entitled "An act for the relief of Alexander Scott, late collector of Pensacola;" and a joint resolution to authorize the purchase of a certain number of the copies of the Journals of Congress, from 1774 to 1788; in which bill and resolution the Senate ask the concurrence of this House.

The bill from the Senate, entitled "An act for the relief of Alexander Scott, late Collector of Pensacola," was read twice, and referred to the Committee on Commerce.

The joint "resolution from the Senate, to authorize the purchase of a certain number of the copies of the Journals of Congress, from 1774 to 1788," was read twice, and referred to Mr. Taylor, Mr. Vance, of Ohio, Mr. Wickliffe, Mr. Wood, and Mr. Alexander Smyth.

The House proceeded to consider the message from the Senate informing of their disagreement to the second amendment proposed by this House to the bill from the Senate, entitled "An act for the relief of Dean Weymouth:" whereupon, it was resolved, that this House do recede from their said second amendment.

The House proceeded to consider the message from the Senate informing of their adherence to their amendment to the bill of this House, entitled "An act concerning invalid pensioners," disagreed to, in part, by this House: whereupon, it was resolved, that this House do recede from their amendment to the amendment of the Senate to the said bill, and that they do agree to the same.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of J. Ottramare," was read, and referred to the Committee of Ways and Means.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of John S. Moffit," was read, and also referred to the Committee of Ways and Means.

The following Message was received from the President of the United States:

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report of the Secretary of the Navy, together with the proceedings of a court martial lately held at Norfolk, for the trial of Lieutenant Beverly Kennon, as requested by a resolution of the House, bearing date the 25th of April, 1824.

JAMES MONROE.

The Message was ordered to lie on the table.

Mr. F. Johnson moved that the House take up the bill "to discontinue certain post roads, and to establish others." Carried, ayes 94.

The House then went into Committee of the Whole, Mr. Condict in the Chair, on that bill. Much discussion took place on the details of the bill. A motion was made to strike out the entire section, which provides for discontinuing roads. Before any decision was had upon it, the Committee rose, reported progress, and had leave to sit again.

THE TARIFF BILL.

The message received from the Senate, stated, among other particulars, that they had receded from the 1st and 14th amendments of the Senate to the bill amending the several acts laying duties on imports, viz: that which strikes out "Russia, Hollands, and Ravens" duck, and substitutes "sail" duck; and that which inserts "at the rate of" before the duty on hemp by the cwt., and insisted on their third amendment (which strikes out the minimum on woollens and inserts a proviso;) and also insisted on their 16th amendment, (which strikes out the duty on cotton bagging.)

Mr. FORSYTH moved that the House recede from its disagreement to these two amendments of the Senate.

Mr. TAYLOR objected to this motion, and preferred that a conference should be requested between committees of the two Houses.

Mr. SLOANE moved for a call of the House before taking the question of Mr. FORSYTH's motion. It was agreed to—ayes 81, noes 73.

The roll was called—when farther proceedings in relation to the call were dispensed with.

The motion to recede from the two amendments was divided; and the question being first put on receding from the disagreement to the amendment with relation to woollens—[the effect of receding being to adopt the Senate's amendment to the first section of the bill, which strikes out the words "until the 30th of June, 1826, and after that time a duty of 37½ per cent. *ad valorem*," and inserts the following proviso: "*Provided*, That, on all manufactures of wool, or of which wool shall be a component part, the actual value of which, at the place whence imported, shall not exceed 33⅓ cents per square yard, shall be charged with a duty of 25 per centum *ad valorem*."]

The question on receding from the amendment was taken by yeas and nays.

Mr. DWIGHT, of Massachusetts, said he rose to ask the indulgence of the House to excuse him from voting on the two questions of disagreement with the amendments of the Senate—an indulgence, he said, which he was sure the House would unanimously grant, when they understood the grounds upon which it was claimed. An honorable friend had entertained, in common with himself, and almost all others, an opinion that the tariff bill would not come back from the Senate. They were both anxious to leave town, and had agreed to depart this morning. Another question of importance had unexpectedly detained him. The gentleman from Virginia, who was, upon all questions of the tariff, opposed to himself, had left town, and he felt himself bound in honor not to vote.

Mr. DWIGHT was excused from voting—ayes 115.

The yeas and nays were as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Blair, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Eddy, Edwards of North Carolina, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hamilton, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Isacks, Kent, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Mercer, Mitchell of Maryland, Moore of Alabama, Morgan, Neale, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Rose, Saunders, Sandford, Sharpe, Sibley Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, Taliaferro, Tattnall, Thompson of Geo., Thompson of Kentucky, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—94.

NAYS—Messrs. Adams, Alexander of Tennessee, Barber of Connecticut, Bartley, Beecher, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Collins, Condict, Cook, Crafts, Craig, Eaton, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Ingham, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Nelson, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Ross, Scott, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wilson of Ohio, Wood, Woods, and Wright—93.

The SPEAKER voting in the negative, the motion was lost. So the House refused to recede from its disagreement to the amendment of the Senate (as above stated) and insisted in striking out the proviso, and on restoring the duty of 37½ per cent.

The question was then put, will the House recede from their disagreement to so much of the sixteenth amendment of the Senate as proposes to strike from the said bill these words:

"On cotton bagging, a duty of four cents and a half per square yard."

And determined in the negative—yeas 87, nays 103, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Eddy, Edwards of North Carolina, Foot of Connecticut, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Kent, Lee, Leftwich, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Saunders, Sandford, Sharpe, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Warfield, Webster, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—87.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Barber of Connecticut, Bartley, Beecher, Blair, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Eaton, Ed-

wards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Houston, Ingham, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Lincoln, Little, McArthur, McKean, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rose, Ross, Scott, Sloane, Standefer, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Vance of North Carolina, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wilson of Ohio, Wood, Woods, and Wright—103.

It was, thereupon, resolved, that a conference be asked with the Senate, upon the subject of the disagreeing votes of the two Houses on the bill aforesaid; and that managers be appointed to attend the said conference on the part of this House; and Mr. TAYLOR, Mr. TOD, Mr. BUCHANAN, Mr. TRIMBLE, and Mr. BELCHER, were appointed the said managers.

SUPREME COURT.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill to alter the time of holding the sessions of the Supreme Court.

Mr. METCALFE offered the following amendment to the bill:

> "*Be it further enacted,* That, in any case now or hereafter depending in the Supreme Court, in which shall be drawn into question the validity of any part of the constitution of a State, or of any part of an act passed by the Legislature of a State, unless two-thirds of the whole number of Justices composing the said court shall concur in pronouncing such part of the said constitution or act to be invalid, it shall not be held or deemed invalid."

Mr. METCALFE, of Kentucky, addressed the Chair as follows:

Mr. Speaker—It is an indispensable duty, which I owe not only to the Legislature of Kentucky, but particularly to those whom I have the honor immediately to represent, that I should, on the present occasion, exercise one of the privileges properly pertaining to the Representatives of a free people—a privilege which I but seldom claim, but which, I am persuaded, will be liberally and generously accorded to me, provided I do not abuse it, by the enlightened patriotism and magnanimity of the body over whose deliberations you preside.

In looking around me, however, I behold an audience composed, not only of the most distinguished statesmen, but mainly of the brightest luminaries of the law in this Union; and reflecting that this is a question peculiarly suited to the investigation and discussion of lawyers, and that I am not a member of that respectable profession, it would require more hardihood than I possess to shield me entirely from feelings of embarrassment—feelings which, I presume, do not result from any unusual timidity of character; nor am I willing to admit that those feelings proceed from any indisposition on my part to express my sentiments here, or elsewhere, either upon this, or upon any other subject, but more especially upon a subject of such vital importance, and so deeply interesting to those from whom I derive my power, and whose agent I am. But I cannot help perceiving that I am liable to be taken in the net of legal technicality, at least. Besides, I am conscious of the magnitude of this question—of the anxious solicitude with which my countrymen look forward to the decision which may ultimately be had upon it—of the want of time in this body to investigate it fully during the present session, and my own want of preparation, or learning, or capacity, to do it any sort of justice. A knowledge of one truth, however, affords me some consolation. In the eyes of wise and honorable men, even the rude, uncultivated man, in his efforts to do good, in whatever light the strength of those efforts may be viewed, will always find some favor. And in this question, Mr. Speaker, said Mr. M., the interest of the most humble, as well as the most exalted, of our citizens, is deeply, very deeply, involved. Indeed, it must be conceded that, in such a question, the most humble are the most interested—it being a maxim, admitted by all, denied by none, that the further you remove power from the people, the further you put their rulers out of their reach, or beyond their control, the greater will be the oppression of the industrious and productive classes of the community, the more abject and miserable will be the condition of the unlearned, the ignorant, and the poor.

I unhesitatingly give it as my opinion that a poor man, for an inconsiderable sum, ought not to be subject to a suit in the Federal court. In matters of contract and dealing between man and man, if no difference is made, or attempted to be made, between resident and non-resident citizens; if no obstacle is thrown, or attempted to be thrown, in the way of the latter, which does not equally apply to the former, either as it respects the process by, or the principle upon, which their respective rights are to be decided, the enactions and adjudications of the States ought to be final—if you please, the supreme law of the land. Cite a poor man, or a man who, in point of wealth, is not above mediocrity, especially if he is not very dextrous and crafty in the management of law suits, to appear himself, or by counsel, hundreds and thousands of miles from home, for the purpose of trying his title to the little all he possesses, and he has but little prospect of success; besides, it is not very material whether he gains or loses his cause—the process by which he arrives at a decision, robs him of all he is worth, and leaves him in penury, want, and misery. Such laws are not only exceedingly vexatious, but a departure from the benign and salutary principle of administering justice as near to every man's door as practicable. And is it not doubly vexatious, unequal, and partial in its operation, to allow a non-resident to institute his suit in the State courts, thereby apparently waiving his right to use the Federal courts; and, after harassing the resident for many years, and subjecting him to much cost and trouble, before the former tribunals, then to allow the said non-resident, by appeal, writ of error, or some other process, to revive the suit which he had lost before the tribunals of his own selection in the Federal courts? Do you call this justice, or sound policy?

A distinguished poet has said: "He that thinks must govern him that toils." A doctrine which I shall not attempt to controvert. But, said Mr. M., if the thinking few who rule, are not to be responsible to the toiling million, for their conduct, it requires no great share of penetration, or of experience, to satisfy the mind that the latter will, sooner or later, become the slaves of the former, and all the labor of their hands, over and above what their absolute necessities require, will go to enrich and pamper their thinking masters.

If, said Mr. M., I may be permitted to use the appropriate, elegant, and I will venture to say, among philanthropists and lovers of human equality, the never-to-be-forgotten figure of the honorable member from Massachusetts, (Mr. WEBSTER,) I will say, that, if you divide society horizontally, placing the thinking few, who rule, above, and the toiling million below, the prediction which I have just now uttered, will soon come to pass. In behalf of that toiling million who are now struggling and groaning beneath the weight of that horizontal partition—an intolerable load—allow one of themselves, who never expects or desires to be placed upon the upper side of it, for a short time, the kind indulgence of the House.

We have the happiness, it is true, to live under a Government, the model of which is not to be found; and it is in vain to search for its likeness, either in ancient or modern history—a Government which may be considered as the offspring of an union of many Governments, and, in its turn, the prolific parent of many more, all of which are united and uniting in one, with continual increase of numbers—a splendid system, in which the divisions of power are vastly numerous, but extremely complicated, requiring the keenest intellectual perception, the most discriminating powers of mind, with much learning, experience, and soundness of judgment, to enable us to assign to the different Governments, and their various departments, their due portions respectively, and proper limitations of power.

If any one of these departments, or of the different functionaries, shall attempt, by virtue of the soft and easy process of construction, to gain an accession of power, not fairly delegated or authorized by the Constitution; and thereby to prevent a co-ordinate, or any other branch of the Government, from exercising the power and discharging the duty which properly pertains thereunto, it certainly becomes us to impose some restraint upon the usurping department.

If, in reality, there exists a disposition on the part of this court to encroach upon the authorities of the States, as is believed to be the case by many of the most patriotic and wise republican statesmen in the Union, will not the proposition which is now under consideration, if adopted, have a tendency to check that disposition, or to render the effects of it less frequent and common than under the present arrangement? That it will have such a tendency, must be admitted. But, on the other hand, if the fears and apprehensions of those who look upon the court with an eye of jealousy, are unfounded and unreasonable, the tendency of this amendment will be to remove that jealousy, to reconcile discordant departments, and to give more satisfaction and peace to society.

Of late, we have the mortification very frequently to hear of conflicting claims of power, between the Federal and State Governments, between the various departments of the several Governments, and more especially between the Federal judiciary and the States.

How are we to check the growing evil? Will the proposition which is now under consideration do it? For my own part, said Mr. M., I answer with trembling uncertainty—for it is not exactly the plan which, above all others, I would prefer—in the affirmative. It would most certainly diminish the chances, and lessen the probability of encroachment. In cases wherein the validity of State laws are brought into question, and laws, too, which have received the sanction of the State courts, so large a majority of this body of magistracy will seldom if ever concur in giving an opinion against such enactions and decisions, unless they are clearly and manifestly unconstitutional; a thing which it is believed will but seldom occur; and when it does, the opinion of the court will be so well supported by argument so strong and conclusive as to carry conviction wherever it goes—and thus, by reconciling all parties, the court will regain its popularity and high standing among the citizens of this Republic—the Federal and State Governments, and their different departments, will then move on harmoniously, while the people are contented, prosperous, and happy.

If the eye of the patriot is turned to the present condition of things in this country, what a singular and disheartening spectacle does he behold! By some, it is insisted that the Federal Government is aiming at consolidation. By others, and myself among the number, it is believed that the Federal Judiciary is aiming, by virtue of the spherical sovereignty which it claims for itself, at the supreme control of the State governments; and assuming to itself political, as well as judicial power.

On the other hand, it is insisted that the State governments are in the habit of reeling from their proper orbits, of impinging upon the Federal authorities, and thereby creating great confusion and disorder. And it is probably true that none of those governments, and that no one of the different departments, do in every instance confine themselves, as strictly as they ought to do, within their respective Constitutional limits; and, at other times, by failing or refusing to fill up the whole space allotted to them, as much injury is produced as by transcending their respective limits. Indeed, I presume this is true. But, whenever a conflict occurs between the Federal and

State authorities, whether in the right or wrong, the former is sure to prevail against the latter—hence, the necessity and propriety of restraining this strong power, and of guarding the weak against its usurpations and encroachments; and, at the same time, it would be wholly useless to impose any additional restraint upon the State authorities, because of their comparative feebleness, their want of strength to resist the Federal authorities. It is notorious that they cannot long make defensive, much less can they make offensive war.

But, how to remedy those evils, and at the same time to guard and protect the people against the hurtful and pernicious consequences of these alarming conflicts, is the question. To effect this desirable object, said Mr. M., is what the proposition contemplates. Can there be any danger in making the experiment? I put this question most respectfully, and with due deference; but I put it emphatically—Can there be any danger in making the experiment?

There are other difficulties, too, resulting more, I believe, from the happy, or rather, the unhappy, faculty we have in construing or misconstruing the Constitution, than from any real defect in that instrument. Look at the various and contradictory constructions which have been put upon it, not only by subordinate departments, but by the highest functionaries of this Government; and from thence let any man, if it be possible for him to do so, move on to the conclusion that it is either wise or politic to compel all the departments of the State governments, legislative, executive, and judicial, all of whom are sworn to support the Federal Constitution, as well as their honors, to yield their own opinions upon the Constitutional validity of State laws, and to bow submissively to the constructive dictum of three members, a minority of the Federal Judiciary.

For instance, the sanction of the enlightened Executive of this nation is withheld from a measure which he acknowledges to be one of vast importance, and well calculated to promote the lasting prosperity and happiness of the citizens of this Republic; because, forsooth, his Constitutional scruples will not allow him to sign the bill. From this doctrine of the President, the inference is irresistible that the Constitution is incomplete, or a very bad one; since, under its provisions, we are either not authorized to do that which the public good requires, or prohibited from doing it.

Now, it is admitted on all hands that the State governments have no power to make national roads for national purposes; so that the power of performing a work of indispensable utility to this noble Confederacy exists nowhere. In what nook or corner does this power lie concealed? It has fled from the world, and left us in a most awkward predicament. What a singular spectacle, then, does this nation exhibit, when compared with other nations—shorn by itself of a portion of that sovereignty or power which remains as a shield of protection and security to the happiness and well-being of every other civilized nation on the globe!

Turning our eyes from this extraordinary decision—this singularly chilling and enfeebling construction of the Constitution, to certain difficulties which have arisen between the Federal Judiciary and one of the States, (for it would not be proper, at this late period of the session, for me to occupy the time of the House with remarks upon similar difficulties with the other States; and I feel it my duty, as respects my own State, to treat the subject with as much brevity as possible,) and the heart of the patriot sickens at the dark and gloomy prospect before us.

The State of Kentucky is known to be composed of what was formerly a district of Virginia. Prior to the separation of the former from the latter, owing to the improvident and mistaken legislation of Virginia, from three to five times as much land as was contained within the limits of the then district was sold for a price to myriads of purchasers. It was utterly impossible for these poor deluded purchasers so to locate their respective quantities of land as to avoid confliction with each other. The laws of Virginia on that subject being very defective, the expeditious manner in which the locations had to be made, among the bears, wolves, panthers, and savages, of the howling wilderness; added to the fact that there was not only not a sufficient quantity of land upon which to make the locations—but not the one-half or one-third of the necessary quantity;—and consequently it did so happen that Virginia received pay for, and conveyed, with all the solemnities of a patent from that Commonwealth, the same tract of land to from one to more than ten different individuals.

Now, I entreat the House to bear in mind these indisputable facts. It is only by understanding the truth of our condition, and the causes by which that afflicting condition was produced, that honorable members can duly appreciate our complaints, or know how to apply the remedy.

Here, then, we find this fair and fertile portion of the soil of this Union sown, and thickly sown, over by the hand of the parent State, (though doubtless unintentionally; for with all my heart do I acquit the Representatives of that day, of my native State, of any unjust or dishonorable motive,) with the seeds of contention and strife; leading to a scene of landed litigation, the most dark and dismal in its aspect that ever frowned malignity upon any community; more ruinous and afflicting and demoralizing in its consequences—more corrupting in its influence—than the imagination of one who has not witnessed its effects upon society can possibly conceive of.

This enormous firebrand, thus inadvertently thrown into the bosoms of our countrymen, had been permitted to burn for many years, with unabated fury, to the great terror and dismay of all good citizens; driving many of them beyond the limits of the State, and preventing others from settling in it; and operating as a curse upon the cultivators of the soil, and also upon every other class of citizens, except upon the iniquitous land-jobber, and such others as derive a profit from landed litigation.

At length, the representatives of that injured people attempt to extinguish this burning fury, by discharging a most solemn duty, which they ought to have discharged many years before. And, in the fair exercise of one of the first and highest, the most legitimate, and last to be dispensed with, attributes of sovereignty that any State or Government can possess; and a portion of sovereignty or of power, which their ancestors or predecessors not only never intended to deprive them of, but which, in the very nature of things, they could not barter away even if they had not been debarred the right of doing so, as they most clearly were, under the provisions of the Federal Constitution, which allows no State to be introduced into the Union fettered, or upon any other footing than the old States. The Legislature, I repeat it, in the fair exercise of its Constitutional power, passes a law, which has for its object to secure to the innocent and deluded occupant a reward for the labor and capital which he has vested in improvements, in removing the load of timber with which the soil was covered; making fences, gardens, raising orchards, erecting comfortable buildings—the shelter which was intended to protect the husbandman, his wife, and hardy offspring, the future props and stay of his country—to cover their heads, and shield them from the inclemency of the seasons; and in all things to promote the peace, and happiness, and prosperity of the country. And what can be more just and equitable than such a law? especially when it is considered that the benefit of its provisions extended to no other than to those deluded purchasers whose titles to the land is deducible of public record; and at the same time leaving it at the election of the successful claimant either to pay for the improvements, or to compel the occupant to keep the land at its original unimproved value? And this law passed at so late a period, too, that it was not then possible for any lawyer, judge, or jury, in the State, to decide, with any sort of certainty, who had the best title to the land. This difficulty resulted from a number of causes: the lapse of time, the death or removal of the early adventurers to the country, by whose testimony, perhaps, the occupant, some fifteen or twenty years ago, might have established his better title to the land, without inconvenience; the names of licks, springs, buffalo and Indian traces or trees, for which the entry calls, as places of notoriety, have now undergone some change, or cannot be satisfactorily established, and probably, if established at all, it is done by subornation and bribery. Under this state of things, was there any thing unjust or dishonorable in the conduct of the Legislature of Kentucky in passing a law which made the labor and capital of the husbandman, vested by him in improvements, as sacred to the possessor as the little pittance of capital in a depreciated and worthless currency, which had been applied by the adverse claimant as well as himself in purchasing a land warrant? On the contrary, does not such a law rest on the principles of eternal and immutable justice? And was not such a law called for, and loudly demanded, by the soundest and wisest policy? And will any disinterested and enlightened statesman of the present age pretend that the sons and daughters of Kentucky, comprising the present and all future generations, have been sold by the first settlers of the district, in order to become a separate State, into worse than Egyptian bondage? That, for the mere name of governing themselves, they have not only parted with that privilege, but have also deprived posterity forever of the right of exercising it? Can the enlightened and well-informed mind contemplate such absurdity, and not recoil with the profoundest astonishment?

But the Legislature of Kentucky did pass a law, the validity of which was contested by the nest of worthies with which that State abounds, and has long abounded, and who are known by the mild name of land speculators. The Federal, not the Delphic oracle is consulted, and the response is, that the law is unconstitutional and void, the first settlers of that district having bartered away a portion of that power and sovereignty which belongs to, and is exercised by, every other State in this Union, and by every other people or Government on the globe, having bartered away the right of succeeding generations, and succeeding legislators, throughout all time to come, to suit their legislation and their laws to the ever-varying condition of things, which necessarily arises in the progress of civil society." Such, in substance, is the response which has been uttered and proclaimed to the world; and even more than this, for it goes to establish the fact, that the said first settlers of the district not only banished from Kentucky that portion of her sovereignty, but that they absolutely extinguished it; that they did not even leave it with Virginia, which State, I verily believe, if she had the power, would grant us relief in some form or other.

But, what is the consequence of this decision? The cords of peace and social intercourse, by which society is bound together like a band of brothers, is cut asunder; the home of the husbandman is again rendered insecure; the hand of industry is paralyzed, and discouraged from the performance of its duty, the oracular music of this trio of the Federal judiciary having fallen sweetly upon the ears of a set of men, who ought to have been drummed out of Kentucky many years ago, with a certain appropriate march at their heels, announcing to them that the delectable and happyfying business of land jobbing would again become profitable, up they spring, like so many birds of prey; with keenly whetted beaks, they pluck the crumbs from the hand of honest industry; and they pluck anew at the vitals of society, the very heart-strings of which they would pull away if they could. Now, as the response runs "the 'bleeding victim may writhe in agony, but there 'is no power beneath the sun by which a remedy 'can be applied. It is true, that society is greatly 'retarded in its march to prosperity and happiness, 'but the die is cast, and, like the decree of fate, it 'is unalterable!"

Such are the effects of a decision which has been given by this, not soon to be forgotten—three; to whom your laws seem to attach something like infallibility, but who could not, by possibility, in their situations, have understood the subject.

Now, what opinion would a stranger form of the boasted excellence of our Constitution, after being told of the decisions of the Executive and Judicial branches of this Government upon it, and of the consequences resulting from those decisions? The one denies the existence of any power in Congress, or elsewhere, to pass a good and wholesome law, the effect of which would be, in a thousand ways, to promote the national interest, and to bind together, and forever to perpetuate this grand and noble Confederacy; the other denies the existence of any power in the Legislature of a State, to remove one of the most afflicting evils—an evil of such magnitude that it is an abomination to the land where it exists—from society.

I understand this decision of the court to mean nothing more, or less, than that their honors have a right to take the consciences of all the departments of the State governments under their sovereign care and protection. I understand it to be a denial of the right of the Representatives of the people, by statutory provisions, to regulate the affairs of the people. If the doctrine maintained by the court be correct, their own peculiar notions of what is equitable between man and man, between adverse claimants of land, and so on, as the different individual cases may arise and be submitted to this august three, is to be the supreme law of the land. Have we come to this? Is it true that our ancestors or predecessors have deprived us of the power of passing a plain law, which may be read by the plain, unsophisticated farmers of our country, as they run; and a law which, by reading, they may understand? Are we to have no page in our statute books, indicating to the toiling husbandman what are his rights, or in what way the fruits of his labor and industry are secured to him? Instead of referring him to the statute books for such information as he may desire respecting the laws, is it intended to turn his eyes upon the judges of the Supreme Court, and tell him that the law is, or will be, whatever their honors may choose to make it?

Would not a stranger think it very strange, that neither the National or State legislators had a right to do the things to which I have referred? That the Constitution had no redeeming spirit in it; that the people had no redeeming spirit left in them; that the Constitution was continually presented as a stumbling block in the way of good and wholesome enactions, but never in the way of the passage of a bad law?

But, sir, said Mr. M., the fault is not in the Constitution. It is in those who construe and misconstrue that instrument.

In referring to these facts, said Mr. M., I intend no ungenerous imputation against those high functionaries of the Government—no disrespect whatever; for they have the same right to their opinion that I have to mine; and it is as much their duty to exercise it. But, having given an opinion which I conceive to be most glaringly erroneous, and most afflictingly injurious and hurtful to those whom I have the honor immediately to represent, my object is, as it ought to be, to effect an amendment to the law, which will go to save my countrymen in future from the effects of a decision to be given by this feeble, and yet powerful three. And my reference to the opinion of the President has been made for the purpose of showing that you do not, by placing a man in an elevated station, render him infallible; and thereby, to prove the unsoundness of the policy that would bestow upon such a tribunal as this, the power of dictating according to their peculiar notions of what is the orthodox construction of this charter of our rights, to each, and to all of the departments of the State governments. Three individuals! a majority of the court, as now organized, truly; but a minority of the whole court are to decide upon the Constitutional validity of State laws; and to annul adjudications of the State courts; and from their decision there is no appeal; it is irrevocable.

Before, said Mr. M., I consent to the lodgment of such a power, in the hands of such a tribunal, I must be convinced that the whole three are beings of a superior order; that they are not the slaves of human passion; that they do not love power; that they are not to be set in motion by that powerful spring of human action, called self-interest; that they have an exemption from all the frailties of human nature; and, in fine, that the link which they form in the chain of created beings, is at least half way between that little forked, feeble animal, that inhabits this our planet, and those superior intelligences that fill the celestial regions. For be it remembered, that this is the controlling power of this Government—a power of such superior dignity, that it has become the Government itself; and he that questions, or attempts to expose its decisions, is sure to be accused of having a devil, or to be denounced as a rebel against his country.

It seems to me, Mr. Speaker, said Mr. M., that the proposition now under consideration, will, if adopted, by adding hereafter an additional number of members to the court, not only bring together more talent, but a greater variety of knowledge of the laws of the States generally, and of the true interests of each section of the country in this wide-spread and flourishing Republic. And the court will be less liable to corruption, or to be suspected of corruption. For it is well to bear in mind, that millions and millions of dollars, as was actually the case in this decision against Kentucky, may be involved in the immediate consequences of their decisions. Upon the whole, nothing can be more clear, if the proposed amendment is adopted, than that it will greatly increase the chances of a correct decision, diminish the chances of corruption, lessen the probability of encroachment, and do much for the restoration of the court to the confidence of the people. I am aware, said Mr. M., that any decision of this court, no matter how erroneous it may be, no matter how unjust, or injurious, or ruinous to society, will always have its supporters. Even when the motive is good, and interest the same, we cannot always think alike. And, besides, there are individuals in every country whose interest is not only separate and distinct from that of society generally, but so completely at war with that general interest, that those who are influenced by it, stop at nothing for the accomplishment of their purposes. With such men as these, the most ruinous and desolating decision will be the most warmly supported; and this I conceive to be most clearly and unequivocally the case in relation to the decision against the occupying claimant laws of Kentucky.

The writer of that decision seems to console himself, from his knowledge of the fact, that he is to be sustained in his opinion by some of the Kentuckians themselves. The honorable writer, however, does not appear to bestow a single thought upon what I know to be another fact; and that is, that these same learned Kentuckians are the very mercenaries to whom we are indebted for all the evils of which we complain, and that through the united instrumentality and well-concerted plans of this host of mercenaries, who, having long banqueted, and still delight to banquet, upon the distresses and agonies of society, it is, that this injurious and hurtful decision has been obtained. And these are the men who now run with every prop, no matter how insignificant, to support and uphold this decision—these are the selfish patriots and juggling political managers of the wire, who have deluded the court, by persuading their honors that their opinion has the approbation and sanction of many of the independent and well-informed men of Kentucky. The voice of the husbandman toiling on his farm, not being heard by this court, his rights are disregarded, the truth of his condition unknown. For one, I do not wonder that the puffing eulogies of this decision, by such men as these, should resound in our ears, and in the ears of the honorable court too, whose praises from such a source can never be envied them. Such notes may jingle sweetly upon the ears, and thrill to the hearts of the very venerable three, who, I have no doubt, are as innocent as they are ignorant of the causes from whence they proceed. But to me, and to my neighbors, who, unfortunately for us, have some practical experience in this thing; to me, and my countrymen, who are now struggling beneath the weight of that horizontal partition, of which we have had such an appropriate and suitable description, but which, with three members of the Federal court on the upper side of it, becomes an intolerable load; these notes, or this sound, is not unlike the requiem of so many grave-diggers, or the hosannas of so many coffin-makers, over the fruits of a desolating and terrible pestilence or epidemic, against which it is pretended that no antidote can be applied.

Upon the whole, sir, said Mr. M., I am fully persuaded, that unless the law in relation to this court is amended, so as to extend protection and security to the industrious and productive classes of the community, against the arts and chicanery of that set of individuals who love to riot upon the fruits of the labor of others, the blighting breath of the Federal judiciary will be more dreaded in this land of liberty, than the coming of an Egyptian sirocco. Mr. M. said there were yet many strong points of view in which this subject might be presented to the House; but, as no one had denied the right of the Legislature of Kentucky to enact any law upon this subject—as no one either attempted to question the validity of the laws, or to advocate the decision of the court, by which it seemed they were to be rendered a nullity, he would not, at so late a period of the session, trespass upon the precious time of the House, to whom he tendered his thanks for the politeness which had been extended to him.

When Mr. METCALFE had concluded—

Mr. McDUFFIE, of South Carolina, rose and opposed the amendment, as practically operating to leave the constitutionality of any State law interminably uncertain. He vindicated the decision of the Supreme Court, in the case of Cohens, (formerly referred to in the debate on Mr. LETCHER's resolutions,) and maintained that that decision was virtually a decision of the question whether the United States have or have not a Government.

Mr. COOK, of Illinois, said, a consideration to which he should allude, in the few remarks he was about to submit, he hoped would be received as a just excuse for now troubling the House. Before he made that allusion, however, he begged leave to say a word or two on the general principles involved in the motion of his friend from Kentucky. It had been urged that the Supreme Court was subject to the influence of the Government, under which it derived its creation. In reply to this, he said, the Constitution of the United States was the creature of the several States forming the Confederacy, and, for the purposes of its institution, it was as much the creature of the people as the constitutions of the several States; and the Judges of the Supreme Court, therefore, were as much the judges of the people for those purposes, as the State judges were for the purposes of local adjudication. But he would ask, whether there was likely to be a greater inclination on the part of the Supreme Court, to increase the powers of the Federal Government, than there might be in the State judges to enlarge the powers of the States? In many States, it was known, he said, that the judges hold their appointments for short or limited periods. In some cases, they are appointed by the Legislatures. If, then, the Legislature should, under a particular state of excitement, adopt a particular measure supposed to be for the relief of the State, although in contravention of either the Federal or State Constitution, he should submit whether judges thus circumstanced, thus dependent on the Legislature for a renewal of their appointments, were not at least—he would ask if they were not more—likely to yield to the popular feelings and excitement in such State, and carry such law into effect, than the Supreme Court would be, from a mistaken love of power, to thwart the just and Constitutional measures of any State? He thought, under such circumstances, the Supreme Court would be the safest tribunal to decide the question, even with reference to the permanent interests of the State itself. But, said he, if you require the concurrence of so large a proportion of the members of that tribunal, do you not endanger the wholesome correction which it was intended that court should make of any measures of abuses which the States, under a state of excitement, might adopt?

The Constitution of the United States secures to the citizens of each State the rights of citizens of the several States. The citizens of one State may hold property in any other State. They may contract with the citizens of any other State, and are entitled to a just remedy to enforce such contracts. Might it not happen that non-residents might acquire large claims against the citizens of any given State? Such, for example, as was the case a few years ago in relation to Eastern merchants with the people of the West. Such, indeed, as was the case with the people of the State whence this proposition originated, and the merchants east of the mountains. In such a case, if the debtor State should adopt unconstitutional measures for the relief of its citizens, would not the principle requiring the concurrence of a large portion of the Judges of the Supreme Court to correct such a procedure, more expose the creditors to the injury, than the usual mode of decision would the debtors? Such a principle, indeed, he conceived well calculated to alter the whole theory of our Government.

The object of government was as well to protect minorities as majorities. This principle would go far to destroy those rights.

But the particular case, which might by possibility occur for the decision of this tribunal, was one of grave and serious importance. He said the United States had admitted the State he had the honor to represent into the Union, under a compact that slavery shall not exist within its limits. At present, a large portion of the citizens of that State were under the impression that the introduction of slavery would tend greatly to relieve their pecuniary embarrassments, embarrassments which, indeed, afflicted every portion of the West. Acting under the influence of a strong anxiety to relieve themselves from their distress, many of them were now disposed to test the binding character of this compact, and to abrogate it. Without intending to express any opinion on the effect of this compact, he would remark that, should a majority of the people decide on the adoption of the measure, it would doubtless make a case for the decision of the Supreme Court; and, should it happen, it will be a fearful question. It will involve nothing less, sir, than the balance of power between the slave and non-slave holding States. Those who witnessed, as well as those who know of, the convulsive discussion in this House on the Missouri question, cannot fail to appreciate the magnitude of this subject. In deciding that question, should it ever arise, if a majority of that court shall be found to decide against the validity of the act of the State, but not a sufficient majority under the provision now under consideration, it could not fail to shake the nation to its centre.

While this tribunal may be called on to decide questions of such momentous magnitude, he thought it behooved the House to examine well the effects of the principle now proposed. For such examination, we certainly are not prepared at this time, and the amendment, therefore, should not now be adopted.

Mr. A. Stevenson, of Virginia, suggested that, as the session was far advanced, and this subject was of great moment, it would be most expedient to withdraw the amendment at this time.

Mr. Metcalfe expressed some reluctance at adopting this course, but finally consented to withdraw the amendment; and, having done so—

The bill was ordered to a third reading.

Tuesday, May 18.

The Committee on Commerce were discharged from the further consideration of the bill from the Senate, entitled "An act authorizing an examination and survey of the harbor of Charleston, in South Carolina; of Saint Mary's in Georgia; and of the coast of Florida; and for other purposes;" and it was referred to the Committee on Naval Affairs.

On motion of Mr. John T. Johnson,

Resolved, That the Clerk of this House be authorized and directed to pay to each messenger, for his extra services, fifty dollars, in addition to what was allowed at the end of the last session.

A Message was received from the President of the United States, as follows:

To the House of Representatives of the United States:

I communicate to the House a report, with accompanying documents, received from Alexander Hamilton, one of the Commissioners of land titles in East Florida; deeming the statements therein contained to be worthy of the particular attention of the House, and of a nature which may, perhaps, require their interposition, or that of both branches of the Legislature.

JAMES MONROE.

Washington, *May* 18, 1824.

The Message was referred to the Committee on the Public Lands.

Engrossed bills of the following titles, viz: An act providing for a grant of land for the seat of government in the Territory of Florida, and for other purposes; An act granting donations of land to certain actual settlers in the Territory of Florida; An act altering the time of holding the sessions of the Supreme Court; were read the third time, and passed.

The House went into Committee of the Whole, on the bill to discontinue certain post roads, and to establish others.

Various amendments were made in the details of this bill—a motion was made by Mr. Bartlett, of New Hampshire, to strike out the 2d section, which discontinues certain routes from and after the 25th of April next. The motion was negatived. And the section was gone through, and almost the whole of it stricken out, line by line; when the Committee rose, reported progress, and had leave to sit again.

The Committee of the whole House, to which is committed the bill to alter the judicial districts of Virginia, and for other purposes, were discharged from the further consideration thereof.

DAY OF ADJOURNMENT.

Mr. Conner, of New York, moved to consider the joint resolution on a day of adjournment, and called for the yeas and nays on the question of consideration; which were ordered.

Mr. Cocke moved for a call of the House, previous to calling the yeas and nays.

The motion was carried—ayes 62, noes 50.

The roll was then partly called, when Mr. Taylor moved to dispense with the further call; which was agreed to. The question of consideration was then taken by yeas and nays, and determined as follows—yeas 99, nays 73.

So the House agreed to consider the resolution.

Mr. Taylor, of New York, proposed the 26th instant.

Mr. Allen, of Massachusetts, proposed an earlier day.

Mr. Culpeper, of North Carolina, was opposed to an adjournment at so early a day as even the latest which was proposed. He adverted to the appointment of a committee of investigation on charges preferred against a high officer of the Government, and to the summons which had been despatched by an officer of the House for the person who preferred those charges. The House had been heretofore informed that, allowing time for going and returning, the individual in question might be expected to arrive here by the 26th of this month. For his part, he said, he was unwilling to go away without allowing a reasonable time for the return of the messenger, &c. The charges which had been preferred, had been considered of sufficient importance to entitle them to investigation, and he was not disposed to adjourn until that investigation was completed, and the whole facts of the case reported to the House, when, he said, he would express his opinion of the merits of it, regardless of consequences, and he hoped the House would do the same.

Mr. Warfield, of Maryland, said, that every one knew that the Sergeant-at-Arms of this House had gone for the purpose of bringing to this House Mr. Edwards, to be examined respecting certain charges which he had preferred against one of the highest officers of the Government. Whether, in sending for him, the committee of this House had done right or wrong, was not now the question; but, having done it, he was of opinion that a due respect to the parties interested, to public opinion, and to consistency in the course of this body, would induce the House, at all events, to continue the session until the person to whom he referred should have had a reasonable opportunity of reaching the Seat of Government. Otherwise, said he, in what situation before the public shall we present ourselves? He was as willing as any gentleman to bring this session to a close; but, a due respect to the distinguished officer whose conduct is arraigned, and to every consideration connected with the subject, forbade, in his opinion, an adjournment earlier than the 31st instant; which day, therefore, he proposed.

Mr. Wickliffe, of Kentucky, put it to the House whether, under the circumstances known to them, they would remain in session to await the arrival of the officer of this House. He had just been informed that the Sergeant-at-Arms arrived at Louisville, so as to leave that place for Edwardsville on the 4th of this month; by the 10th of the month he may have reached Edwardsville; by the 17th he may have arrived at Louisville, on his return: it will take 8 or 10 days to get thence to Wheeling, and three or four days thence to this place, supposing no interruption of the journey to occur: and when it is recollected that there was no regular chain of steamboat navigation, and that travellers have sometimes to wait several days for a passage, could it be in the contemplation of any gentleman to wait here until the messenger returns—say, till the 15th, or even the 10th of June. He wished the resolution were made blank, so as to fill it with such day as a majority of the House should be found to approve.

Mr. Webster, of Massachusetts, said that, when this subject was before the House the other day, the member from Illinois stated, from his knowledge of the distance, &c., that an answer to the summons of this House might be expected by the 23d or 24th of this month. From the facts which had since come to the knowledge of the gentleman, Mr. W. said, he should like to know what was his present opinion on that subject.

Mr. Cook said that, when he made a statement on this subject some days ago, it was impossible that he should be apprized of the obstructions to the progress of the messenger of the House. He had stated that he might return by the 23d or 24th of the month, but that was upon the supposition that no difficulty had occurred in his progress in the river. Since making that statement, he had seen a letter from the Sergeant-at-Arms, that he was not able to leave Louisville before 4 o'clock in the afternoon of the 4th of May. He might reach Edwardsville in five or six days. If an opportunity should present itself for resuming his journey by water, he might return to Louisville in five days, say by the 15th of this month. It was not probable that he could reach this place in less than fifteen days after his arrival at Louisville. It would not be reasonable, therefore, to calculate on the arrival of the messenger or Mr. Edwards sooner than the 30th of the month, under any circumstances. And if the House is disposed to wait for him, said Mr. C., as I sincerely hope it is, that object will be entirely defeated by fixing on an earlier day for the adjournment than the last of this month. Mr. C. repeated, that he most sincerely hoped that the House would continue in session until Mr. Edwards should arrive.

Mr. McLane, of Delaware, said, that there was no member of the House who would remain here, were the session prolonged, at greater personal inconvenience, or sacrifice of interest or of feeling, than himself. But it was too late now for gentlemen to listen to considerations of that description. The decision has been taken. Every gentleman must have known, when this investigation was instituted, that it would be attended with serious inconveniences. I was myself fully aware of it, said he, and it was for that reason, among others of higher import, that I was opposed to the institution of this committee of investigation. The House, however, determined to go on, and it does appear to me to be due to the parties and to the character of the House, that it shall now be carried through, and that every opportunity shall be given, to all the parties concerned, for a full investigation. Laying aside all personal considerations, the public good demanded this course. From what had been said by the honorable member from Illinois, it was apparent that an earlier day for the arrival of Mr. Edwards, than the last day of the month, could not be fixed. But the reasons which influenced him, Mr. McL. said, would prevent him from voting, at this time, to fix any day of adjournment. The committee of investigation had sent for the individual who preferred the charges which are under investigation. If I understand the process with which our officer is charged, said he, it does not authorize the Sergeant-at-Arms to bring this individual here. It is a mere summons to him to attend, which he may obey, or not. He probably may not be ready—few invividuals would be ready, at so short a notice, to set off on so long a journey, the day he receives the summons. In any event, he cannot get here before the thirty-first of the month, and perhaps not for some days later. And for what purpose, sir, have we sent for him? Is it to present himself here, and say, "Here I am," and thus let the business end? That is certainly not my view of the case. Here is a charge which the House has deemed of sufficient importance to institute an inquiry in relation to it. They have sent for Mr. Edwards, to deliver what testimony he may be able to afford in relation to it. After this is done, time should be allowed for an investigation of all matters connected with this individual; and I am free to say that I, for one, want time to follow it up. I do not want merely to have Mr. Edwards here, and to have a report made upon the subject, but I want to have a full investigation. For these reasons I am not willing now to fix a day of adjournment. If that be done, in what situation will the House be placed? Suppose that any accident should occur to prevent the arrival of Mr. Edwards on the thirty-first: the day being now fixed, the House will have adjourned, perhaps, the very day before he arrives. This course, Mr. McL. said, he conceived, would be unjust to the party whose reputation had been assailed in the address to the House. He was willing, at all risks, to remain till this individual should come—have been examined by the committee, and the result reported to this House, and acted upon. If necessary to public justice, he would wait here until midsummer to see these objects accomplished.

Mr. Buchanan, of Pennsylvania, entirely concurred in most of the views of the gentleman from Delaware, but he differed from him as to his conclusion. From the information which had been given to the House, by the gentleman from Illinois, it was perfectly evident, and must strike the mind of every body, that Mr. Edwards cannot be expected to arrive here before the fourth or fifth of June. If the House waited for his arrival at all, consistency and a sense of duty would require them to remain in session until he was examined, that the information which he possesses may be eviscerated and laid before the House. On a moderate calculation, this will take to the tenth of June; and, said Mr. B., I ask whether we will delay our adjournment till that day on this account, or whether we shall not rather adjourn at an otherwise convenient season? If I thought, that, to await the arrival of Mr. Edwards was of any importance to the country, or to the distinguished officer whose conduct is implicated by the charges, I would remain here at any sacrifice. But I am not of that opinion. When Mr. Edwards presented his charges to this House, he referred for the foundation and support of them to documentary testimony, and to that alone. That testimony, with the charges, is in the possession of as able and impartial committee as was ever raised in any public body. I am persuaded that the committee is, or can be in one or two days, ready to report upon that testimony. Now, I ask, how can the Secretary of the Treasury be implicated by an adjournment, without waiting for Mr. Edwards? The proofs are here; the committee is diligently engaged in the examination of them, and are ready (or can be in a short time) to make their report; and I protest against the idea of the House having committed itself, or pledged itself in any way, to wait for Mr. Edwards. The House has not, in any way, confirmed the decision of that committee to send for Mr. Edwards. At the time this accusation of Mr. Edwards was brought to the House, I tried three several times to get the floor, to move to lay it on the table for one day. Had this been then done, I am persuaded we should have had no further trouble with it. Believing that the House is not pledged, and that it is not expected of us to wait for Mr. Edwards; and that, as regards our legislative business, we shall be perfectly prepared to adjourn on Monday, I will propose that day. In any event, the motion of my friend from Maryland ought not to prevail. If the House determine to wait and examine Mr. Edwards, they ought to adopt the views of the gentleman from Delaware, and not at this time fix upon any day for the adjournment. If otherwise, the earliest day that had been named should be taken.

Mr. Hamilton, of South Carolina, said he was as little disposed as his friend from Delaware to adopt a course calculated to preclude any decision on this subject, that was due to the character of the House, or properly subservient to the ends of justice. But, believing that the views which he had taken of this subject were erroneous, he could not but believe, if the House came to the decision which he recommended, it would not subserve the purpose of justice, but only vexatiously prolong the session. He begged leave to call the attention of the House more directly to the subject involved in this question. What is it? said he. An officer who has received an appointment within the gift of the Executive of this country, has made a charge against an officer in the Cabinet of the Executive. Instead of directing this charge to his proper Chief, the Executive, the accusing party has improperly, and I regret it, thrown it into this House. Under the excitement of the moment, which I also regret, this charge took what I conceive an improper direction in this House. It has been put into the possession of a committee, acknowledged on all hands to be exceedingly well qualified to investigate it. But, in reference to the course which the House ought now to take, Mr. H. said, it is very proper that the grounds of the accuser himself should be taken into consideration. In support of his charges, to what does he refer us? To his own testimony hereafter to be delivered? To oral proof of any description whatsoever? To any evidence beyond the walls of the Capitol? No; but to documents already in the possession of the House. Under a belief that this individual may have done wrong, to the character of the officer to whom his charges relate, a messenger has been despatched by this House to summon him here. That was supererogatory, for the Executive had anticipated this act of the House, and, with great propriety, because that is the branch of the Government to which he is at present amenable, transmitted to him instructions to await the proceedings of this House. His presence here, however, Mr. H. said, was not in the slightest degree material to the decision of the case before the House. Now, if the individual preferring these accusations could have any just ground of complaint against the House for not awaiting his arrival, he admitted it would be proper that they should do so. But, could he, under all the circumstances, have any cause of complaint on that score? Mr. H. conceived not. He understood (he said) that it was in the power of the committee of investigation, from the materials which they have collected, to make a report in the course of four or five days. Admitting that, in the result of that investigation, it might arise, that justice required, on one or the other hand, further measures, was this House to take them? No; for, he said, he did not apprehend that, in any event, it was proposed to carry the matter to the extent of impeachment. What then? Was it desirable to have a debate got up in this House, to involve the discussion of angry and irritating topics—a discussion which, it is possible, would be attended with most unpleasant consequences? If ultimate justice was necessary to be done, by whom is it to be done? By the Executive of the country; and, if either individual concerned shall conceive that any injustice has been done to him, to that authority let him appeal for redress. Mr. H. here disclaimed, most positively and emphatically, any intention of unkindness in regard to either of the individuals, in the course which he was disposed to pursue. But, remaining here, at vast cost to the country, and at vast inconvenience to the individual members of Congress, he should consider wholly unjustifiable. The gentleman from Delaware, he said, had admitted some things fatal to his own argument. It was imposible, he had remarked, to say whether Mr. Edwards would be able, from ill health, or other circumstances, to come at all. The very uncertainty attending this subject was conclusive why an early day should be fixed upon for adjournment. If Mr. Edwards can come at all, he will probably be here by the 24th or 25th, as estimated heretofore, and, as yet, possible. But, honestly believing that it was not necessary he should be present, Mr. H. said, he should vote for an adjournment on the 26th instant.

Mr. MERCER, of Virginia, said, if he was unwilling to fix the time of adjournment at present, it was not from regard to the accuser, whose charges had, from the choice of the individual himself, been made from a point distant from the Capitol, when he might have made them here, had he supposed it due to himself to be present at their investigation. Certainly, after delaying the mission to Mexico for eighteen months, the Executive would have had no difficulty in granting the Minister five or six days more for that purpose. With regard to the interests of the accused, and of the country, one thing it was highly important to know, viz: whether the testimony of this individual was considered by the committee of investigation to be material or not. This House had no agency in sending for him. The warrant was issued antecedent to any proceeding on the part of this House upon the subject. We are to infer, from the fact that the committee sent for him, that Mr. Edwards is deemed a material witness. The committee had no right to send for him unless his testimony was considered important. We have, therefore, a right to suppose that his testimony is material, because otherwise he would not have been sent for. If his testimony is material, and we adjourn before his arrival, the public opinion will be, that we have arrested the investigation of his charges. If that be the only question to be decided, my mind, said Mr. M., is made up. I will not do any act that shall compromit the dignity or justice of this House. Unless we have information, from the committee, that the witness is not deemed a material one, I cannot consent to adjourn short of the period when Mr. Edwards may arrive and be examined. Was it possible, Mr. M. asked, that the House would receive this accusation, appoint a committee to investigate it, and then adjourn without acting conclusively upon it? It was highly important, to the proper decision of the pending question, to know from the committee what were the views which he entertained of the consequence of Mr. Edwards's testimony; and Mr. M. rested the question on this ground—that, if the testimony of Mr. Edwards was material, the House ought to remain in session until he arrived, and that the House had a right to presume it was so, until informed by the committee to the contrary.

Mr. MANGUM, of North Carolina, said he was as anxious as any member of the House could be, to leave this wretched place, and return home, if, contrary to his opinion of the matter, a sense of duty would allow of an adjournment as early as was proposed. It had been said that the act of calling for Mr. Edwards was not the act of this House, and, further, that the presence of the accuser is not necessary—and that he himself has shown that it is not. But, said Mr. M., we have committed the investigation of this matter to a committee composed of gentlemen esteemed on all sides of the House for their superior intelligence and unquestionable integrity. That committee, in its wisdom, has decided, and, I believe, with perfect unanimity, that Mr. Edwards should be brought before them. It is to be presumed there are some matters of fact which he is expected to disclose, which make his presence necessary; and, until I hear to the contrary from that committee, I shall oppose my humble opinion and voice against an adjournment before Mr. Edwards's arrival. And this view of the case appeals most strongly, not to the friends of the distinguished person who stands accused before us, and in so delicate a relation to this House and to the nation, but to the friends of Mr. Edwards. What will be the consequence if, after the solemn decision of our committee, that it is necessary Mr. Edwards should be brought before this House, we should say his presence is entirely unnecessary, and that a reference to documentary testimony only is necessary? If such be the fact, why is it not announced to the House from the proper source, the committee which sent for him? It is not announced, and I, therefore, presume that the opinion still exists that Mr. Edwards ought to be here. And, whilst this is the fact, we shall treat the just claims of this high officer (the Secretary of the Treasury) with worse than scorn and contumely, if, after having sent for his accuser, we adjourn before he comes, and deprive the accused of the opportunity of a full and fair investigation of these charges. On the other hand, what have you done? Have you not, to a certain extent, endorsed these charges? That which never could have stuck to the character of the Secretary, have you not fixed there, by a solemn act, in recognising the claim of these charges to investigation? And will you abandon the investigation, and, as far as you can, suffer the obloquy to remain? It has been said that it is due to both these high officers, the accuser as well as the accused, that this investigation should not be closed without waiting for Mr. Edwards. As to one of these persons, Mr. M. said, he differed from the gentleman who thus said; because, as to the accuser, he could have made his charges at any time, as well as when he did make them—and, if it had been absolutely necessary that he should be present during the investigation, he could have procured himself the opportunity of being so, without the invitation of this House. He selected his time; and, near the close of the session, when he is at a distance from the Seat of Government, he has preferred to present his charges. We have partially sanctioned those charges by consenting to investigate them; and shall we submit to the humiliating construction of abandoning the inquiry by adjourning before the investigation is closed? To try the sense of the House on the subject, whether it is prepared to act upon its present information, he moved that the resolution lie on the table.

The question on this motion was taken without debate, by yeas and nays, and decided in the negative.

Mr. **Alexander Smyth**, of Virginia, then rose and said that he should vote for adjourning on the 31st of the present month. He should not be in favor of waiting till that day for the arrival of the individual who had been sent for, and the prosecution of the inquiry which had been commenced, were that to be the sole object. But he thought that the time of the House might be fully and usefully occupied in business of a public and strictly parliamentary kind. He had been informed by a gentleman, on whose accuracy, in matters pertaining to the business of this House, he had been in the habit of relying, that there yet remained as many as ninety bills and thirty reports of committees, yet unacted upon, or only in part attended to. These would usefully occupy the time, and it was very possible that, before the day he had mentioned, the person expected might arrive. He thought the gentleman from Illinois mistaken in his calculation when he said that that person could not be here before the 31st instant. He believed that the journey from Louisville to this city might be accomplished in ten days; and, in that case, the messenger might return by the 24th of this month. He considered the House bound to allow a reasonable time for the arrival of the person whose attendance it had required. Public opinion, with what justice he should not say, would set down every individual of this House, on one side or the other, in this affair, and would attribute every part of their conduct to partiality and design. It was the duty of the House, as much as possible, to avoid giving occasion for such reflections. It had been objected that the sending for Mr. Edwards was only the act of a committee. True: but that committee received its authority to send for him, from this House; they have reported their proceedings in sending for him to this House, and this House has transmitted those proceedings to the President of the United States; and thereby given to the act of sending for him every sanction which the circumstances would admit. The accuser had made a variety of statements in relation to the officer accused; it was proper that he should be put upon his oath, and cross-examined. On the whole, considering the public interest, the dignity of this House, and the character and public station of both the individuals concerned, he could not consent to vote for an earlier day than the 31st instant.

Mr. **Webster** observed that, as in a case of fact with which he was not personally acquainted, he must rely on the opinion of some other person, he thought it proper to take, as his best guide, the opinion of the gentleman from Illinois, who, being an inhabitant of that part of the Union through which the person sent for had to travel, was to be presumed best acquainted with the probable time at which he could arrive. That gentleman declares it as his opinion that he cannot be in this city before the 30th of the present month. If so, the 31st was, of all days in the year, the most improper and the most unlucky that could have been selected. He had much rather agree to an earlier or a later day. The question to be settled was, whether the House shall wait for the witness who had been summoned? If it determined to wait, then the 7th or 8th of June would be the earliest period which it could, with propriety, fix for adjournment. As to the expediency or inexpediency of waiting, he meant to express no opinion, far less to represent that of the investigating committee. It was agreed, on all hands, that the ordinary legislative business, which demanded the attention of the House, might be got through with by the 24th or 25th instant. If the House did not choose to wait for Mr. Edwards, he presumed one of those days would be a proper one; if it did choose to wait, then the 7th or 8th of June would be the proper time. At all events, he considered the middle ground as the worst.

Mr. Warfield rose in reply, and said he was very sorry that the honorable gentleman from Massachusetts should consider the 31st day of the month as so peculiarly unlucky. That day, he believed, came on a Monday. If it had fallen on a Friday, he should have been less surprised at the opinion, as he had heard Friday called the hangman's day. He had proposed that day, on the first suggestion of the gentleman from Illinois, that Mr. Edwards would probably arrive on the 24th, in which case the 31st would leave ample time for any examination the House or the committee might require. That the House can get through with the legislative business by the 24th, was mere matter of opinion. An honorable gentleman from Virginia, on whose minute attention to the business of this House he had been in the habit of relying, had just told the House that it had business enough to occupy its attention till the 31st of the month; in which case, he did not see how that could be considered as an "unlucky" day, or as "middle ground." It was true, the House itself had not sent for the individual, but its resolution had empowered a committee of its own members to send for persons and papers. No farther act of authority was needed, and the House had sanctioned the act of the committee so far as it could do so.

It was urged that the personal testimony of this witness was not material; that he had referred to documentary evidence for every part of his charge, and that none other was requisite. If this was the fact, the House need sit no longer; and, if the committee of investigation will report that fact to this House, he would vote for a speedy adjournment. But he considered the argument as unsatisfactory. No such fact had been reported by that committee. On the contrary, they had themselves sent for this witness. He viewed the reputation of all parties as involved, and he heartily assented to the sentiment that, let the result strike where it may, the investigation should proceed. He trusted the House would persevere, as he thought they could not, with propriety, retrace their steps.

Mr. Cook said, in rising, that he had not taken the floor to discuss the propriety of fixing on any particular day for the adjournment of the House. He was disposed to think that, from the course this business had taken, the presence of the person sent for might be material to the accused, and to the other party also. The House having so far acted as to recognise the propriety of sending for Mr. Edwards, it appeared proper, with regard to consistency of conduct, that the House should wait for his arrival. What he more particularly rose for, was to reply to some remarks of the member from North Carolina. As (said Mr. C.) no member of the House appears disposed to express an opinion in regard to the merits of the matter now before the committee of investigation, I was some little surprised that the honorable gentlemen should venture or think it necessary to express an opinion as to the merits of the claim of either party concerned to be heard before this House, or contest the claim of one party as he did, when he intimated that the situation of the absent party claimed no indulgence at the hands of the House. The honorable member spoke of the time of preferring the charges, and said, in substance, that other and previous times might have been selected, and, not having been, that party had no claim on the consideration of the House. It is to correct this statement only that I have risen, for my honest wish was, and is, not to indulge in feeling in regard to this matter until I see something which is in my opinion calculated to place in an unfair light the facts respecting this controversy, and then the relation in which I stand to the House, to the country, and to the party* which has preferred these charges, would require me to correct such erroneous statements; and for this purpose I now rise. I will state the circumstances of this case, in a preliminary point of view, without attempting to state what will be its ultimate result. It is known to this House that a report was made by the Treasury Department to this House on the 22d of March. That report impugned the veracity, and of course impeached the character of Mr. Edwards. Upon the face of the document itself, it is to be presumed, and I believe it can be incontestably proved, that it was that report which elicited the Address of Mr. Edwards to this House. But, the gentleman from North Carolina says that a previous time might have been selected for it. Let me remind the gentleman, who was not a member of the last Congress, that this House did then undertake to investigate a part of this subject. There is nothing, upon the ground of his silence upon this subject, that can in any degree justly prejudice Mr. Edwards's standing on the same footing with the individual whose conduct he has arraigned. They both stand on the same ground. The individual who has sent this memorial to Congress, has his reputation assailed; and, in the course of the argument of his memorial, he goes on to show that the foundation is not solid—and this argument he addresses to this House, to whom the report in question was made. These individuals, therefore, ought both to be considered as standing on the same ground. Let justice be done to them; let the truth be disclosed; and, nearly as I stand in relation to one of them, I am willing to see justice done, and the sharp edge of truth cut whomsoever shall come in the way of it. It is not just—it is not consistent with the nature of the discussion this morning, to express opinions to the prejudice of one or the other of these individuals. I have myself abstained from doing so, and trust I shall continue to abstain, having risen now only to correct what appeared to me to be incorrect in the view which had been taken by the gentleman from North Carolina.

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* It may be proper for the due understanding of this passage, and of others in the debate, to state that Mr. Cook is the son-in-law of Mr. Edwards.

Mr. Taylor here required the previous question, but the House refused to sustain the call.

Mr. Mangum then replied to Mr. Cook. He said he could not but exceedingly regret that the gentleman from Illinois should have misconceived the remarks which he had made. If I understood myself, if the House understood me, and I beg the gentleman from Illinois now distinctly to understand me, I expressed this opinion: that the situation of the Secretary of the Treasury is at this time one of peculiar delicacy, as it relates to his standing towards the American people; that, these charges having been preferred at this late period of the session, and the House of Representatives having instituted an inquiry into them, it behooved the House to prosecute this inquiry to a close. I did draw a distinction, and I believe that every gentleman in this House who is unconnected with the parties in point of feeling, will sustain me in it, between the relative situation of the parties. This *is not* as interesting a matter to the accuser as to the accused. The personal attendance of the former is in nowise necessary, unless he is in turn assailed, and he desires a suspension of opinion until he can be heard. Were these charges referred to a committee for the purpose of trying Mr. Edwards? Is it with a view of ascertaining whether *he* is guilty or not guilty that this committee has been instituted? I had understood to the contrary, and I regret that the gentleman should be so fastidious on the occasion—on an occasion on which he professes not to have any feeling, and, it is to be presumed, has none. It is because this committee is raised, not to try Mr. Edwards—upon whose merits I expressly disavow having formed any opinion, and much less would I now express any, if I had formed one—but to try the Secretary of the Treasury, that he is most interested in it. It is due to consistency—it is due, if I may say so, to an honorable course, not to abandon this inquiry after having instituted it. Upon this subject, I hope my course has appeared perfectly correct in the estimation of every gentleman in the House, the one from Illinois excepted. I mean not to throw myself into the arena as the partisan of any man. If a blow is to fall, let it light on the right one, fall where it may. The public mind is excited by this subject. All circumstances call upon us to pursue the investigation; and, if I were a political enemy of the individual accused before us, I should feel myself bound to prosecute the investigation whilst his friends claimed it. And if when it is brought to a close, the accuser cannot substantiate his charge; if the blow fall on him, and he stagger under it, it will not have been aimed at him either by this House or others. If it fall on the Secretary, it will be because it was aimed at him: and, whilst *he* claims a trial; whilst his friends claim a thorough investigation of these charges, shall we refuse him a right which is due to the vilest culprit in the land? I hope, sir, I shall be understood, when I expressly disavow appearing here as the partisan of any body. I am only the humble defender of what I consider to be due to the character of this House, to the individual charged, and to a just respect to the people whom we represent.

Mr. Forsyth, of Georgia, said, he entirely concurred in the opinion that, granting all sufficient time for the arrival and examination of Mr. Edwards, the House might be able to adjourn by the 7th day of June, and he proposed that day accordingly. It was due to the character of this House that it should remain here till that time, even at great expense, and great personal sacrifice. He adverted to the necessity of acting on this case with precision and on mature reflection, that improper conclusions may not be drawn, as to the motives which govern the House in its course, by the people of the United States. This memorial of Mr. Edwards, said Mr. F., bears date the 6th of April, and, by due course of the mail, should have arrived here on the 10th day of that month. The first information which the House had of the existence of this packet, was on the 19th of April; and, by a singular coincidence, that was the very day when the Senate fixed upon a day for the adjournment of the two Houses. The House of Representatives, with a feeling which a sense of justice was calculated to inspire, instituted a committee to investigate the subject, and clothed it with power to send for persons and papers. On the 21st, a resolution was submitted by me, which was not agreed to, to communicate the fact to the Executive. On another day, a nearly similar resolution was offered by another gentleman. On the 22d, the committee reported a part of their proceedings, and advised this House that they had ordered the messenger of the House to pursue Mr. Edwards, for the purpose of calling him before them. This messenger left the City of Washington on the 24th. To make the greater speed, he passed by Baltimore, under the absurd pretext that he was liable to be interrupted in his journey by the usage of the stage office giving preference to other passengers, as if it were possible for any stage-coach usage to arrest the messenger of this House. He went down the river from Wheeling, and arrived at Louisville on the 3d; and we are now informed that it is impossible he can arrive here before the 4th of next month. In what situation, sir, shall we be placed if this investigation be suspended; if the House adjourns without waiting for this individual? What was the object of the address in which the charges have been preferred? To defend the reputation of the late Senator from Illinois? To defend himself! How? By accusation of another? It is not worth while to mince matters in a case of this kind. It is impossible for any individual——

Mr. Trimble, of Kentucky, here rose, with permission of Mr. Forsyth, to explain, that the messenger of the House, in going by Baltimore, had acted by the advice of others who knew, by experience, that it was the surest route, with a view to expedition.

Mr. Forsyth disclaimed any intention to blame the messenger, having no doubt he had acted upon advice and information of others—there certainly was a day lost by his taking that route. Mr. F. resumed his argument. It is impossible, said he, for any member of the House to read this address to believe that the object of the person making the charges was to punish the individual charged, through the agency of the powers of this House. My own impressions are, that the individual expected that his address would be printed, under the sanction of this House, and that no further notice would be taken of it; and that it would be the foundation for assailing the reputation of the individual whom he accuses, through the ensuing Summer—for what purpose, everybody can understand. This object has been disappointed, by the investigation which the House had ordered. In justice to the individual whose conduct is assailed—I speak not of him as an officer; not of the purity of his character, and the integrity of his conduct, which I believe to be, in truth, his only reproach—but of his pretensions to the first office in the gift of the people—this investigation should be fully prosecuted, unless this House means to make itself a party in the projects of the individual who has addressed it. A portion of the charges contained in his address have been rung through the country these twelve months past, or more, without effect. A part of them have been investigated in this Hall, to the utter confusion of the assailants of the Secretary. What is the object of the address which now embodies them? Unquestionably, to give to them an artificial importance, to put a stamp of credit on what had been already condemned by the people. And by whom is this investigation carried on? I mean to excite no unpleasant feeling in the mind of any gentleman in this Hall; but it is proper, in coming to the determination which we are to make on the question now before us, that all things should be considered, which bear upon it. It is known that there were, at the commencement of this session, five individuals presented to this House as candidates for their favor and that of the people, for the Presidential office. It is known that a majority of this House is favorable to the claims of the four other candidates in opposition to the claims of the remaining one. It is by this House, thus disposed, that this investigation has been instituted. What will be the inference, if these charges are left in suspense, by the adjournment of this House? I ask gentlemen to consider, what will be the effect of such a course? I am sure sir, that there is no member of this House who is desirous to do injustice to the individual in question; but I put it to every member of this House, whether he does not at least leave a "loop to hang a doubt upon" if he agrees by his vote to an adjournment before Mr. Edwards arrives. All that is wanted is, that the individual sent for should be brought here, and questioned—"What have you more to say? What are these defensive accusations which you talk about as having in reserve?" A single hour, after his arrival, will suffice for his answers to these simple interrogatories. It is due to the nature of the subject, that we should wait for the arrival of Mr. Edwards. As it is stated, that there is reason to believe he may be here by the 30th of the month, and seven days will be sufficient for every possible allowance of time for his examination, and a report by the committee, and decision by the House upon it, I am in favor of fixing on the 7th June as the day of adjournment.

Mr. Cook said, it must be painful, it could not but be painful, to a dignified and enlightened body, whose duty it was most solemnly to decide upon the merits of the matter before the committee of investigation, to see, upon an incidental discussion of this description, the motives of individuals misrepresented, and erroneous statements made, either from improper views, or because the facts were not correctly understood. The honorable gentleman from Georgia, said he, has stated his belief as to the motive of the individual who lately transmitted an address to this House, which he has ascribed to motives, at which, if true, every honorable mind ought to revolt. He stated, that the memorial was presented, not with the hope of bringing on an investigation, but to have it printed without being investigated: If I have misunderstood the gentlemen, he will correct me—[Mr. Forsyth said, the gentleman understands me correctly.] I am not now, nor at any other time, if I can avoid it, about to give any opinion as to the merits of this controversy—but let the language of the memorial speak for itself. In the 18th page of it, the memorialist states that, under calls for information respecting the illicit introduction of slaves into the United States, information called for by the House had been withheld, and says, in making the statement, "I challenge investigation." And, at the conclusion of his memorial, he says, that, if his charges are made in malice or in falsehood, it is a misdemeanor that would prove him unworthy of the office he holds, and expressly invites the Secretary, or his friends, to make the charge against him. Language like this, said Mr. C., is in direct repugnance to the idea that he wishes to shrink from an investigation of his charges, and that he merely wished to afford food for the newspapers during the recess of Congress. Whether it be true or not, I ask whether it is proper for a member of this House, who is to pass upon this case before God and man, to express so decided an opinion, which would go to stamp infamy upon one of the parties in this controversy. I ask whether this is consistent with the dignified attitude which we ought to occupy. The honorable gentleman had better wait for his opinions until the report from the committee be made, for that committee, able and honest as he believed them to be, would present nothing but the truth in their report. Then is the time to express such an opinion, if the facts shall warrant it; and, sorely as I shall regret it, on account of the particular relation in which I stand to that individual, let the power of truth be brought upon him—if it be sufficient to crush him, if due to justice, and the character of the country, let it be so. I will not undertake to express an opinion, as to the merits of the Secretary—I will wait until the facts shall come in solemn form before us—in that form which shall justify us in expressing an opinion thereupon, before this House and the nation. If malice be proved, let the seal of reprobation be stamped upon the author of the address. Sincerely as I should lament it, my duty to myself and to my country would oblige me to express the truth upon the evidence before us.

Mr. Forsyth said, the gentleman from Illinois was not well acquainted with the address, or he would not have put upon it the construction which he had: for the author of it expressly says, after making various charges against the Secretary of the Treasury, "I do not ask for an investigation of his conduct;" and yet, with this staring us in the face, the gentleman tells us that the object of the address was an investigation! Whether the opinion I have formed of the motives of the addresser be just or not, is for the House and the country to judge. It has been formed from a fair and simple view of the facts. The conclusion appears to my mind, and must be to every prejudiced mind, irresistible. Whether I am disqualified by this opinion, forced upon me by facts universally known, from passing upon this case, it is not for the gentleman from Illinois to undertake to determine.

I have never mingled in this transaction: *my* opinion is formed from what has appeared publicly in this House, and from the documents before us; *I* know nothing further of this transaction.

Mr. Tucker, of Virginia, observed, that there was by no means that necessity for the arrival and personal presence of Mr. Edwards, which seemed to be supposed. Since sending for him, the committee had investigated farther into the facts of the case, and, he believed, they were in circumstances to make a report satisfactory to themselves and to this House. In the meanwhile it was very possible that that gentleman may come from Louisville in ten days. He could not think it needful for the House to sit here till the 8th of June. Should he not come even till the 30th, the House can, in that case, give its powers to a committee, and the committee may sit during the recess; at all events he could not approve the present proposition, and must vote against it.

Mr. Allen, of Massachusetts, said, that he concurred with his colleague (Mr. Webster) in the opinion that, if the inquiry which has been commenced is to be prosecuted, the session must, necessarily, be protracted at least to the most distant day yet named. But, as he was of opinion that no measures were to grow out of that investigation directly affecting either of the parties, he thought it might safely be committed to the bar of public opinion. Let the people investigate—they would investigate the case, and the public voice will pronounce upon the parties at issue. On this ground he was in favor of the earliest day named, which was Monday the 24th. From what had already been manifested, in the course of the present debate, it must be easy to see what collisions of feeling will be the result, if the discussion is to be pursued on this floor. Who could set limits to that discussion? He did not mean to impugn the motives of honorable gentlemen—he did not doubt the purity of their intentions. But we are human beings—we have passions and prejudices which would mingle with the operations of our judgment. The American people would approach the subject with greater calmness—they were not in the same atmosphere which surrounded the members of this House, and he was for leaving it to their decision.

Mr. P. P. Barbour, of Virginia, rose, not to engage in the debate, but to suggest, with great deference, that the opinion of every gentleman must, before this time, be made up as to the proper time for terminating the session, and to entreat that the question might be taken without further debate.

Mr. Mercer rose to state the ground on which he should now vote. He had distinctly appealed to the committee to know whether they would consider the testimony of the individual who has been sent for material to the investigation before them. I have not investigated these charges myself, said he. The ground of them are to be found in four volumes of documents which I have not had time to examine. Upon the silence of the committee, in answer to my distinct application to them, I shall consider the testimony of that witness not material, and shall, therefore, vote against a late day of adjournment.

The question was then taken on fixing on the 7th day of June, and decided in the negative.

The question was then taken on the first day of June, and decided in the negative, 95 to 75.

The resolution was then made blank.

Mr. Saunders, of North Carolina, declared that he had voted for the latest day, and for the 1st June; but as the House appeared to be determined not to allow time for Mr. Edwards to arrive, he should now vote for the earliest day proposed.

After a few observations, from Mr. Campbell, of Ohio, who proposed and advocated an adjournment on the 22d, and from Mr. Ross, in favor of the 27th instant, the question was taken on filling the blank with that day and agreed to, 101 votes to 73.

Thus amended, the resolution was passed, and returned to the Senate, who agreed to the amendment.

And then the House adjourned.

WEDNESDAY, May 19.

Mr. **McLANE**, of Delaware, from the Committee of Ways and Means, to which was referred the amendment of the Senate to the bill for the relief of J. Ottramare, reported their disagreement to the same; and the question being taken, Will the House concur in the report of the Committee of Ways and Means? it was decided in the affirmative.

Mr. **McLANE**, of Delaware, from the same committee, to which was referred the amendment of the Senate to the bill for the relief of John S. Moffit, reported their agreement to the said amendment, which was concurred in by the House.

Mr. **McLANE**, of Delaware, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of John H. Howland, of New York," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. **RICH**, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Alexander McNair;" reported the same, with an amendment; and the bill was committed to a Committee of the Whole.

A message was received from the Senate informing the House that the Senate have passed acts of the following titles, to wit: "An act to enable the President to hold treaties with the Indian tribes, and for other purposes;" and, "An act to provide for the punishment of certain crimes when committed in any navy yard, fort, arsenal, magazine, dock-yard, lighthouse, or other place belonging to the United States;" in which they ask the concurrence of the House.

The joint resolution authorizing the purchase of 630 copies of the Journals of the Old Congress, from 1774 to 1788, was read a third time, and, after some conversation between Messrs. **TAYLOR**, and **FORSYTH**, it was passed—ayes 87, noes 40.

On motion of Mr. P. P. **BARBOUR**, the House again took up the bill "for establishing a Territorial government in Florida."

Mr. **CALL** moved to fill the blank for the salary of the Judge of the Supreme Court with $2,000.

Mr. **TAYLOR** opposed the motion for $2,000, and moved to fill the blank with $1,500.

This amendment was opposed by Messrs. **CALL**, and **BARBOUR**, and carried—yeas 64, nays 56.

Mr. **TAYLOR** offered a farther amendment, to strike out $500 as the salary of the District Attorney, and insert "the same salary as is provided by law for the District Attorney of the State of Kentucky." The motion was decided by yeas and nays as follows—yeas 77, nays 62.

Mr. **CALL** offered an amendment to the fourth section of the bill, which was adopted, and the bill, as amended, was ordered to a third reading.

Mr. **CAMBRELENG** moved to take up the bill in relation to the accounts of Daniel D. Tompkins. Negatived.

Mr. F. **JOHNSON** moved to take up the Post Office bill. This motion was carried, and the House again went into Committee of the Whole, on the bill to discontinue certain post roads, and to establish others. A great number of amendments were made to this bill; a long list of new post routes were agreed to, and a few unproductive routes, of small importance, were stricken out.

Mr. F. **JOHNSON** offered the following amendment:

"*Be it further enacted,* That the sum of fifty thousand dollars be, and the same is hereby appropriated, and made subject to the order of the Postmaster General, to aid in defraying the expense of transporting the mails; to be paid out of any money in the Treasury, not otherwise appropriated."

The amendment was rejected.

Several farther alterations were made; when the Committee rose and reported progress.

PIRACY IN THE WEST INDIES.

Mr. **POINSETT**, from the Committee on Foreign Affairs, to which was referred so much of the President's Message as relates to "piracies, by which our commerce in the neighborhood of the island of Cuba has been afflicted," and to the "depredations which have been committed on the lawful commerce of the United States, under other pretences, and other color, in the neighboring island of Porto Rico," made a report thereon; which was read, and laid upon the table. The report is as follows:

That the prompt and energetic measures adopted by Congress, at the commencement of their last session, seconded by the zeal and enterprise of the officers intrusted with the command of the light squadron destined to suppress piracy in the West Indies and the Gulf of Mexico, have succeeded in putting a stop to the piracies by which our commerce had been afflicted in the neighborhood of the island of Cuba, as far as a foreign force, unaided by the public authorities of the island, could succeed in accomplishing this object.

These piracies had been continued for years, under the immediate observation of the Government of the island of Cuba, which, as well as the Spanish Government, has been repeatedly and ineffectually required to suppress them. Many of them have been committed by boats, which remained concealed in the harbors and under the head land, until they discovered their prey, which they captured, plundered, and destroyed upon the shores of the island. When pursued by a superior force, the pirates have escaped to the shore; and our commanders have been refused permission to land in pursuit of them, even on the desert and uninhabited parts of the island.

It appears, from the most respectable testimony, that these atrocious robberies were committed by persons well known in Havana and in Regla, where they were organized into a band; and that the traffic in their plunder was carried on openly; that they were sometimes committed by vessels equipped at Havana and at Regla; and that they cautiously avoided molesting Spanish vessels, but attacked, without discrimination, the defenceless vessels of all other nations.

The present Captain General of the island of Cuba has acted with great courtesy towards our commander and officers engaged on this service, and has co-operated with them, by arresting the pirates who had escaped to the shore, nor has he complained when our officers have found it necessary to pursue them, and to break up their haunts on the desert and unfrequented keys that surround the island. In no case, however, within our knowledge, where pirates have been seized by the authorities of the island, have they been brought to that punishment their crimes merited; and those who are well known to have fitted out piratical cruisers, and to have sold their plunder with the utmost notoriety, are suffered to remain in Havana and Regla, in the unmolested enjoyment of the fruits of their crimes. Under these circumstances, the British and American squadrons in those seas may repress piracy, so long as they continue cruising in the neighborhood of the island; but there is reason to apprehend, that, on their removal, similar outrages on our commerce will be renewed. In the opinion of your committee, piracy can only be effectually suppressed by the Government of Spain, and by the authorities of the island taking the necessary measures to prevent piratical vessels or boats from being equipped or sailing from any part of the island, and to apprehend and punish every description of outlaws, as well those who actually commit acts of piracy, as those who receive and traffic in goods plundered on the high seas.

The commerce of the United States with the island of Cuba, superior to that with Spain and all its other dependencies, and fully equal to that with France, claims in a peculiar manner the protection of Government. The safety of that commerce requires that the Government of Spain should be urged to adopt prompt and vigorous measures, effectually to suppress piracy in the neighborhood of the island, and to co-operate with the maritime Powers most interested in effecting this object; and, your committee are of opinion, that, for the protection of this important commerce, and of the persons and property of our fellow-citizens, when in the ports of the island, the residence of consuls, or authorized commercial agents of the United States, at these places, is absolutely necessary, and ought to be insisted upon.

Privateers, distinguished from pirates only by commissions of most equivocal character, from Spanish officers whose authority to issue them has never been shown, have been equipped in the island of Porto Rico, and have committed outrages and depredations upon the persons and property of the citizens of the United States; outrages, which no commission could divest of their piratical character. With no other naval force than a frigate, a brig, and a schooner, they presumed to declare a blockade of more than twelve hundred miles of coast. To this violation of all the rights of neutrality, they added the absurd pretension of interdicting the peaceable commerce of other nations with all the ports of the Spanish Main, upon the pretence, that it had heretofore been forbidden by the Spanish colonial laws; and, on the strength of these two inadmissible principles, they issued commissions in the island of Porto Rico, to a swarm of privateers, which have committed extensive and ruinous depredations upon the lawful commerce of the United States. Frequent remonstrances have been made, both to Spain and to the authorities of the island, by the Executive, without producing any effect. During the last Summer, a special agent was sent to Porto Rico, to obtain the restitution of American vessels captured by the privateers of that island, and to collect documentary evidence of the trials and condemnation of others. To the first demand, the political chief referred the agent to the Government of Spain, declaring that he could not, without an open infraction of fundamental laws, take cognizance of causes legally determined; that the officers of that province could not proceed, but by the express orders of the Supreme Government, and to that, the United States, after the example of Great Britain, must have recourse.

It appears by the testimony collected by this gentleman, that it had been the practice of these privateers, not to send in their prizes to the large and frequented ports, where impartial judges could determine on the validity of the capture, and where the captured could have the means of fairly defending their rights; but to send them into distant and obscure seaports, where the courts are notoriously corrupt, and where the captains and owners were deprived of the means of making even statements of their cases. There are many instances of vessels condemned most unjustly; and, even where they have had the rare good fortune to escape condemnation, their owners have been subjected to ruinous costs and charges; and, in some cases, before the vessels have reached the port, the cargoes and property have been plundered, and the officers and crew treated in a cruel and barbarous manner.

In San Juan, the principal town of the island of Porto Rico, attempts have been made to assassinate the commercial agent of the United States, and the master of a merchant vessel, in order as they believe, to prevent them from taking legal measures to recover property unlawfully captured. Your committee deem it unnecessary to enumerate the vessels that have been captured and condemned without the color of justice, or to recapitulate each particular case of barbarous outrage committed upon the persons and property of the citizens of the United States, by privateers fitted out in the ports of Porto Rico; outrages, which, in their opinion, would justify reprisals and a rigorous blockade of the ports of that island. Your committee forbear to recommend the immediate adoption of those measures, only, because the Minister of the United States at Madrid has been instructed to remonstrate with His Catholic Majesty on the culpable neglect of the Spanish authorities in the island of Porto Rico, and to require indemnity for the losses sustained by the citizens of the United States, from the lawless conduct of the commanders of privateers, bearing His Majesty's commission. That this remonstrance and demand was not made earlier, arose from circumstances beyond the control of Government. The former Minister had left Madrid before his instructions on this subject reached that place, and the subsequent invasion of Spain by France, and the conduct of the French commander of the blockading squadron off Cadiz, retarded the arrival of our present Minister. While the committee advise, that Government wait the result of the negotiation now pending, at Madrid, or, at all events, the answer to the remonstrance of our Minister at that Court, before a resort is had to reprisals and blockade; they earnestly recommend, that two or more small cruisers should be constantly kept off the ports of San Juan, and in the Moro Passage, so as to protect our commerce, and intercept at the entrance of San Juan, Aguadilla, Mazaguez, Cape Roco, and Ponce, American vessels unlawfully captured by Spanish privateers; and, that the commanders of the United States vessels of war be instructed to capture, and send into a port of the United States for trial, any privateer that commits an outrage on the persons, or plunders the property, of citizens of the United States, on the high seas, whenever good and sufficient testimony of such piratical act can be obtained.

GOVERNMENT OF FLORIDA &c.

A bill "to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida," was read by sections and amended. On the item which fixes the salary of the Distrct Attorney, some debate arose, in which Messrs. COCKE, P. P. BARBOUR, CALL, TAYLOR, and WRIGHT, took part.

Mr. CALL proposed to fill the blank with five hundred dollars. Mr. TAYLOR, of New York, to fill it with two hundred.

The former sum was carried—ayes 71, noes 62. When the bill and amendments were, on motion of Mr. TAYLOR, ordered to lie on the table.

Mr. TAYLOR, from the Committee of Conference on the disagreeing votes of the two Houses upon the amendment of the Senate to the bill, entitled "An act to amend the several acts imposing duties on imports," made a report thereon.

Mr. TOD moved for a call of the House previous to taking a vote on this report. The motion was not agreed to.

Mr. A. STEVENSON moved to lay the report on the table until the House should be fuller.

This motion was agreed to—ayes 81, noes 72.

Mr. COOK offered the following joint resolution, which was twice read, and, on motion of Mr. P. P. BARBOUR, was laid on the table:

"*Resolved, &c.*, That the several States which have been admitted into the Union, under any compact prohibiting such States from levying and collecting a tax on land for five years next succeeding the sale of such land by the United States, be, and they are hereby, severally authorized, whenever they may deem it expedient, to subject all lands hereafter sold by the United States, within their respective limits, to the same tax that they may levy and collect on lands not subject to the provisions of such compacts."

Mr. TAYLOR, from the committee to whom the bill from the Senate, "authorizing the purchase of 300 copies of Way & Gideon's edition of the Journals of the old Congress," was committed, reported the same with an amendment, which altered the number of copies from 300 to 630. The House agreed to the amendment, and the bill, as amended, was ordered to a third reading this day.

On motion of Mr. MCKIM, the bill "for altering the time of holding the circuit court of the United States in the district of Maryland," was, by consent, amended by substituting May for July; and the bill was then read a third time, passed, and sent to the Senate.

A bill "to alter the judicial districts of Virginia and for other purposes;" and the engrossed bill "to alter the time of holding the circuit court of the United States for the district of South Carolina," having undergone several amendments, were ordered to be engrossed for a third reading.

Mr STEWART offered the following, which lies one day:

"*Resolved*, That the President of the United States be requested to cause to be communicated to this House any report that may have been made by the Superintendent of the Cumberland Road, showing the manner in which the appropriation made during the last session of Congress for the preservation and repair of the said road has been expended."

Mr. LIVINGSTON, of Louisiana, rose, and said, that he had understood from several members who voted yesterday for an adjournment on the 27th, that they had done so because they considered the silence of the members of the committee of investigation to the inquiry, Whether the evidence of Mr. Edwards was necessary? as equivalent to an admission that they did not think his examination necessary. Mr. L. said he rose to correct this erroneous conclusion. The members of the committee had not answered, he presumed, although he only spoke for himself, because no other vote had ever been taken as to the necessity of such examination, except that by which the witness had been ordered to attend; and no member of the committee could, therefore, express the opinion of that body in answer to the inquiry. The fact, however, was, that every member of the House could as well judge of the propriety of waiting for the arrival of Mr. Edwards as the committee could. The committee had no other evidence than that before the House. He thought it necessary to make this explanation, to give any gentleman who had voted under an erroneous impression, an opportunity to move for a reconsideration.

REGULATION OF STEAM VESSELS.

Mr. VINTON offered the following:

"*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of providing by law, that no license to navigate any of the waters of the United States shall be granted to any boat or vessel hereafter built and moved or propelled by fire or steam, upon the principle of construction commonly called "high pressure;" nor to any boat or vessel heretofore built and moved or propelled by fire or steam, that shall hereafter be fitted up or provided with any engine or other machine intended to move or propel such boat or vessel upon the principle of construction aforesaid."

Mr. LIVERMORE was desirous of information on the difference of construction between steam engines of high and of low pressure.

Mr. VINTON said he believed the Parliament of Great Britain had, some years ago, prohibited, by law, any boat or vessel from navigating the waters of that country by steam propulsion, upon the principle of construction embraced in the resolution he had the honor to submit; that, when he first heard of the existence of such a law, he was forcibly struck with the propriety of adopting some regulation upon that subject in this country, also; and he thought our disastrous experience was sufficiently ample and mournful to leave no doubt in the mind of any gentleman present, of the policy of providing a speedy remedy for so alarming an evil. For himself, he said, the many accidents from explosion, upon almost every public water of the United States, producing death in its most terrific forms, and in none more so than the recent casualty in the harbor of New York, (the melancholy intelligence of which, yesterday, excited in every part of this Hall the deepest sensation,) had satisfied him, not merely of the propriety, but of the *absolute necessity* of legislative interposition for the preservation of the lives of our people. A country agitated with terror and dismay looks to us for protection, and demands, at our hands, security for the future—a security which, he trusted, would not be denied. For these reasons, he had brought forward this subject, at the present time, with the hope of now calling that attention of the House to it, which might result, on some proper occasion, hereafter, in a concentration of its united intelligence, as well as that of the very able committee to whom the resolution was proposed to be committed, in devising some way of putting a stop to this tragic waste of human life. Mr. V. said it must be perfectly familiar to every gentleman present, that boats are navigated by steam upon two different constructions, one of which is commonly denominated *high* and the other *low pressure*. The latter is universally admitted to be comparatively free from liability to explosion, and much less dangerous, on the occurrence of such an accident. Notwithstanding this advantage, which ought to be a matter of the very first consideration with all engaged in this business, who regard the lives, happiness, and peace of mind of their fellow-men, yet, in many, if not all the waters of the United States, except the Hudson, boats are propelled by high pressure, and that, too, after the most multiplied and calamitous experience of its danger. This, Mr. V. said, was particularly the case on the rivers Ohio and Mississippi, where more than one hundred vessels are now navigated by steam, (and the number almost daily increasing,) a great majority of which are constructed upon this dangerous plan—and here, as might be expected, until quite lately, has been the principal theatre of these distressing accidents. Two reasons he had heard assigned for the introduction of this description of boat upon those waters, though, in his opinion, there was but one, and that entitled to not much weight. It had been said the *high pressure* possessed a greater power, giving to the boat a greater velocity of motion, and consequent momentum or ability to resist and move up against a strong opposing current, like that of the Mississippi. If boats moved by *low pressure* were unable to overcome the currents of our rivers, it would present a strong argument against acting upon his resolution; but he doubted whether there was any such difference of power in point of fact. The *high pressure* boat was somewhat less expensive, and cost, perhaps, something less to navigate it; and this, he believed, was the real motive for the introduction of this dangerous description of navigation. Whatever justification interest might furnish to him who thus endangers, and perhaps destroys the life of his fellow-mortal, or however his cupidity may lead him, with full knowledge of this disastrous experience, still to persevere in exposing, even to *possible* danger, the lives of those who commit themselves to his care and protection, he felt assured this House would not for a moment give its sanction to such a motive, nor permit it to be put in contrast with the comfort, quiet, and safety, of the travelling public, and, he might add, the anxious solicitude of friends, and all connected with it in the various relations of life. Numerous as these accidents have been, yet this species of navigation continues to increase, and nothing short of the power of Government can arrest its progress within any reasonable time, and, until the evil shall correct itself by the waste of life, give that security to the people of this country which they have a right to claim at our hands, and we are in duty bound to guaranty to them. Boats are constructed upon the cheapest plan, and with a view almost exclusively to velocity of motion. The traveller is always in haste to go forward, and hence, the *fastest running* boat obtains the highest character. This naturally keeps up a constant and most dangerous competition, that has been, and ever must be, fruitful in disaster. The comparative history and experience of steam navigation on the Hudson, and the waters of the Ohio and Mississippi, are decisive of this question. No accident, Mr. V. said, had ever occurred on the former river, from explosion, within his knowledge; but it was to be feared the recent decision of the Supreme Court of the United States, which had unlocked its waters, would give rise to the introduction of this kind of navigation also, from which it had hitherto been excluded. Compel your boats to adopt a different construction, and while interest will insure diligence in the prosecution of the voyage, the standard of character will at once be changed. That boat will obtain the best reputation which best consults and promotes the ease, comfort, and enjoyment, of its passengers. In short, all experience, every principle of policy, humanity, and regard for the lives and welfare of the people of this nation, call upon the House for its speedy and effectual interposition to give practical security to the enjoyment of this most valuable invention.

The resolution was advocated by Messrs. Poinsett, McKim, Buchanan, and Warfield. Mr. Lincoln, and Mr. Foot, of Connecticut, wished the resolution extended, so as to prohibit an improper material for the construction of boilers in steam engines.

Mr. Abbot thought the session too far advanced to admit of the proper time to mature a law on this subject. It required much research and practical information.

The resolution was adopted.

TARIFF BILL.

The report of the Committee of Conference in relation to amendments to the Tariff bill, was read again.

Mr. Taylor moved that the House concur with the report of the committee, and asked for the ayes and noes, which were ordered.

Mr. Forsyth made a motion, prefaced by some general observations on the character of the bill, (whch he maintained was, as amended, no longer a bill to protect manufactures, but merely to increase the revenue,) to postpone indefinitely its farther consideration, and asked the yeas and nays on that question; which were ordered.

Mr. Taylor explained the course adopted by the Committee of Conference, and defended the report as accomplishing all that would be attained under existing circumstances—and urged a concurrence in the result; since the two branches of the Legislature had got so nearly to one point as to be within half a cent, on a single duty, of each other's measures.

Mr. Trimble expressed a hope that the friends of the bill would adhere to each other, and not lose a measure for which they had been struggling for years because the amount of one contested duty was half a cent below the point they wished. He made a few observations on the share of favor dispensed by the bill to Kentucky and the West—and, though not approving it as just or sufficient, was yet willing to acquiesce, and hoped other members from the West would do so too. In the course of his remarks, Mr. T. incidentally passed a merited eulogium on the character and services of the late General Wayne, to whose son, sitting near him, he was willing to appeal as an umpire between himself and the gentleman from Georgia.

Mr. Cambreleng contended that the bill was now wholly a revenue bill—he dwelt upon the large amount it would add to the burdens of the country, the needlessness of such an increase, &c.

Mr. McLane, of Delaware, spoke in support of the view given by the gentleman from New York, (Mr. Taylor) advocated the bill as being, what was so long desired, a judicious revision of the duties. He replied to the argument of Mr. Cambreleng, and adduced calculations to show that the increase of the revenue which its effect would produce was opportune to the state of the finances, as it would enable the nation to redeem the 6 per cents. and extinguish the national debt by the year 1834.

Mr. Cambreleng spoke in reply, insisting on the view he had before given; and then

The question on indefinite postponement was taken, and decided in the negative—yeas 70, nays 120, as follows:

Yeas—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Edwards of North Carolina, Floyd, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hooks, Kent, Lee, Leftwich, Lincoln, Litchfield, Livingston, Long, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Owen, Poinsett, Rankin, Reed, Reynolds, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Nays—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartlett, Bartley, Beecher, Blair, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Day, Durfee, Dwinell, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foote of New York, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Houston, Ingham, Isacks, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, Locke, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Nelson, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Richards, Rich, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

So the House refused indefinitely to postpone the bill.

Mr. Forsyth objected to the principle of taxing the Southern States, in the article of cotton bagging, to however small an amount, for the benefit of a particular district of the Union, and he gave notice that, should the motion of concurrence with the committee of conference be rejected, he should submit a motion, that this House recede from its disagreement to the Senate's amendment.

After a few remarks from Mr. Trimble, in reply to those of Mr. Forsyth, the question was taken on concurring with the report of the committee of conference, and decided in the affirmative—yeas 125, nays 66, as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartlett, Bartley, Beecher, Blair, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Cushman, Day, Durfee, Dwinell, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Houston, Ingham, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Leftwich, Letcher, Little, Locke, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Nelson, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reed, Reynolds, Richards, Rich, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Webster, Whipple, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Nays—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cuthbert, Edwards of North Carolina, Floyd, Forsyth, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hooks, Kent, Lee, Lincoln, Litchfield, Livingston, Long McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Owen, Poinsett, Rankin, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Wickliffe, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

So the House did concur in the report of the said committee of conference, which is as follows:

1st. That the House of Representatives do recede from its disagreement to the third amendment of the Senate, and do agree to the same, with the following amendment: after the word "wool," where it occurs in the proviso, strike out the words, "or of which wool shall be a component part;" and insert, "except flannels and baizes."

2d. That the Senate do recede from so much of its sixteenth amendment, in reference to the specific duty on cotton bagging, as is disagreed to by the House of Representatives, and that the clause be modified, so as to read, "on cotton bagging, three cents and three fourths of a cent per square yard.

Mr. Webster gave notice that, to-morrow, (Thursday,) he should call up the consideration of the bill from the Senate in relation to the election of President and Vice President, and that, also from the Senate, in relation to imprisonment for debt.

Thursday, May 20.

Mr. Harvey, from the Naval Committee, reported a bill "for the relief of William Townsend;" which was twice read, and committed.

Mr. Whipple, from the Committee on the Public Lands, reported a bill from the Senate, "for the relief of the representatives of John Donnelson, Stephen Hurd, and others," with an amendment, inserting the name of Thomas Carr, in which the House concurred—ayes 66, noes 53.

On the question of its engrossment for a third reading, a short debate arose, in which Messrs. Cobb, Whipple, Isacks, Houston, and Culpeper, took part, and the motion to engross prevailed.

The resolution yesterday offered by Mr. Stewart, calling for certain information from the President of the United States, as to the application of the money last year appropriated for the repairs of the Cumberland road, was take up, and agreed to.

The following bills from the Senate, viz:

An act to provide for the punishment of certain crimes when committed in any navy yard, fort, arsenal, magazine, dock yard, lighthouse, or other place belonging to the United States; An act to enable the President to hold treaties with certain Indian tribes, and for other purposes; were twice read, and referred to committees.

The following engrossed bills, viz:

A bill altering the time of holding the circuit court of the United States for the district of South Carolina; An act to alter the judicial districts of Virginia, and for other purposes; A bill to amend an act, entitled "An act to amend an act to establish a Territorial government in Florida, and for other purposes;" were severally read a third time, passed, and sent to the Senate.

On the last of these bills, the discussion of yesterday was renewed. The provisions of the bill were objected to by Mr. Beecher, of Ohio, and defended by Mr. Call, of Florida, and Mr. Scott, of Missouri.

On motion of Mr. Vance, of Ohio, the House went into Committee of the Whole, on the bill "to authorize the surveying and making of a road from a point on the northwest boundary of the State of Ohio, near the foot of the rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan;" which was read by sections.

The facts were stated and explained by Mr. Vance. The road, partly opened by the troops during the late war, passes over many deep morasses, through a country sparsely peopled, and is of importance as a military road on the frontier, &c. He adverted to the disasters which had been experienced for want of a road between these points, and moved to fill the blank in the appropriating clause with the sum of $20,000.

This sum was objected to by Mr. Sandford, of Tennessee, and advocated by Mr. McArthur, who explained, from personal knowledge, the necessity of the road, and the aspect of the country through which it is proposed to pass.

The amendment passed *nem. con.*, and the bill was reported and ordered to a third reading.

THE POST OFFICE BILL.

Mr. F. Johnson moved to resume the consideration of the Post Office bill.

Mr. Campbell, of Ohio, suggested the propriety of recommitting it.

Mr. F. Johnson objected to this course, and then the House, having given leave to sit again, went into Committee of the Whole, on that bill.

A variety of amendments were proposed, the greater part of which were adopted. The bill was then reported to the House, as amended, and a number of farther amendments were proposed and carried. One of the amendments, proposed by Mr. Moore, went to extend the privilege of franking letters, during the whole time any member retained his right to a seat on this floor. Another (offered by Mr. Cocke,) went to repeal that privilege as now extended to 30 days before and after the sessions of the House, and confine it to the time the House is in session—while another, (offered by Mr. Cook,) took a middle course, and extended that privilege to sixty days before and after the session.

Mr. McDuffie moved an amendment appropriating fifty thousand dollars in aid of the Post Office Department, to enable it to meet the additional post routes now agreed to: and he supported his amendment by a speech, in which he advocated the principle of expending the funds of the country for the diffusion of intelligence.

After much discussion, this amendment was adopted—ayes 76, noes 50.

An amendment offered by Mr. INGHAM, which required the Postmaster General, whenever the disbursements of the Department exceeds its income, to suspend so many of the least productive routes as amount to the balance, was negatived—ayes 54, noes 76. As was also the following, offered by Mr. WHIPPLE:

That the bill be re-committed to the Committee on Post Offices and Post Roads, with instructions that the Committee report the number of miles added to the present post routes by the bill, the expense of carrying the mail on the same, the amount of available revenue which accrued to the Post Office Department during the last year, and the expenses thereof for the same period, with the balance, if any, which now exists against the General Post Office.

The bill and amendment were then ordered to be engrossed for a third reading.

ACCOUNTS OF DANIEL D. TOMPKINS.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the bill making appropriation for the payment of the claim of Daniel D. Tompkins, late Governor of the State of New York.

Mr. WICKLIFFE moved to amend the bill by striking out that part of it which allows interest on the commission allowed Mr. T. on disbursements for the Government.

The letter of the President of the United States on this subject, was read.

Mr. A. STEVENSON went into a history of the settlement of Mr. T.'s accounts, and advocated the propriety of the allowance proposed in the bill on principles of public justice. He dwelt with warmth on the services of the individual concerned, and insisted that the appropriation was no more than his due.

Mr. WICKLIFFE acknowledged the merits of Mr. Tompkins, but contended that his claim was to be put on the same footing with every other. He went into an examination of several provisions of the bill—to many of which he did not object—but he could not assent to the allowance of interest on commission. This was not required or warranted by any statute, nor was it allowed in private transactions.

Mr. McLANE, of Delaware, spoke in reply—allowed that if there was nothing to discriminate this from ordinary cases, it would be improper to make the allowance—but contended that it was a case of marked and very peculiar character. He showed that the injuries of the individual concerned arose from the inability of the Government to pay his just demands at the time when they were due—he stated the promises under which he had acted in aiding the Government. The violation of those promises, and his consequent ruin; he contrasted the principles on which Government had settled with others, and contended that, even if the bill passed, he would not be as well dealt with as they. He adverted to the pressure on the national credit during the late war, and insisted that rules which applied in a time of peace and tranquillity could not, with fairness, be applied to transactions under all the exigencies and risks of a state of war.

The debate was farther continued by Messrs. WARFIELD and WICKLIFFE, who opposed, and Mr. STEVENSON, who supported the bill.

Mr. A. STEVENSON moved to amend the bill by striking out all after the enacting words, and inserting the following: "That there shall be paid 'to Daniel D. Tompkins out of any money, &c., 'the sum of $136,799 97; deducting therefrom the 'amount paid him in virtue of the act to amend 'an act appropriating a certain sum of money for 'the relief of Daniel D. Tompkins, amounting to '—— dollars, as a full compensation and discharge for his claim against the United States, 'arising out of the advances made, losses sustained, and services rendered, by him during the 'war between the United States and Great Britain: that being the amount found due to him 'from the United States, by the verdict of the 'jury in the case of the United States of America '*vs.* D. D. Tompkins, decided in the District 'Court of the United States for the Southern 'District of New York. That the act heretofore 'passed, referring the claims of said Tompkins, 'shall be, and is hereby, repealed."

On this amendment a discussion arose, in which Messrs. STEVENSON, CADY, CAMBRELENG, INGHAM, FORSYTH, and WILLIAMS, of North Carolina, took part.

Mr. CADY, of New York, wishing to state certain facts more fully, and to express his views on this subject, moved that the Committee rise.

This motion was not carried—ayes 70, noes 72.

Mr. McDUFFIE supported the amendment of Mr. STEVENSON, as going to enable Congress to do an act of justice to a meritorious individual, without involving any principle which might be drawn into injurious precedent. He testified, in the most explicit and cordial manner, to the merit and value of the services of Mr. Tompkins during the late war, and remarked on the ruinous consequences which had ensued to his private fortune.

Mr. P. P. BARBOUR took the same side, and observed that, if there was on this side of the grave an object of interesting contemplation, it was a great and good man struggling amidst surrounding difficulties, and in danger of being overwhelmed by them. All his impressions concerning the conduct of the individual concerned in this bill were of the most favorable kind, and he did not know whether he might not, unconsciously, be too much influenced by his feelings to be a perfectly unbiassed judge. Mr. B. then went into a review of some of the calamitous scenes in the early part of the late war. He adverted particularly to the time when this Capitol was nothing but a heap of smouldering ruins; when the metropolis was ransacked; when the inhabitants of his own State were in uncertain dread of an attack of the enemy on Baltimore or Richmond; when an attempt was made to renew the project of Burgoyne, to divide the United States into two moieties by gaining possession of the State of New York;

when it was almost a literal fact that the vessel of State was aground; when we had neither men in the field, nor money in the Treasury, nor credit with those who had it to lend:—at this period, the services of Governor Tompkins were tendered. He went into the service of his country with a fortune ample and unembarrassed. During his continuance in it, no palaces had risen like exhalations; no equipages flashed like meteors; yet he came out of the war ruined in fortune, ruined in credit, having not only lost his own property, but sacrificed that which he possessed by his connexion in life, and was reduced to absolute poverty. Mr. B. said, it might do very well to read in history of a Cincinnatus, who returned from the highest station in the State to hold a plough, and who still retained a lofty standing among his countrymen. If such things ever had existed, they certainly did not exist at the present day. He made some forcible remarks on the effects of poverty, and, having again deprecated any undue influence of feeling over his judgment, he proceeded to the naked question of right, adverted to the verdict which had been rendered in favor of the claims of Mr. T. by a jury at New York, on the circumstances under which it was rendered, and the weight to which it was entitled; and though he did not admit it as authority which ought to bind this House, and admitted that verdicts might be influenced by prejudice, by a strong current of party feeling, and other causes, yet, till evidence should be produced to shake the decision which the New York jury had given, after a full and laborious investigation, he should presume it to be a correct finding in the case, and rejoiced that the dictates of his own judgment united with and corroborated the feelings of his heart toward the claimant.

Mr. Bartlett proposed that the amendment be so modified as to admit that part of it which relates to the decision of a grand jury in the case.

Mr. Stevenson accepted this modification, and altered his amendment so as to read: "The 'sum of $101,609 97, as a full compensation and 'discharge for his claim against the United States, 'arising out of advances made, losses sustained, 'and services rendered by him during the war be'tween the United States and Great Britain."

Mr. Wickliffe moved to amend the amendment by striking out no more than a part of the first section of the bill.

Mr. Kremer moved that the Committee rise, and accompanied the motion with a few remarks, it was negatived—ayes 60, noes 79.

Mr. Cambreleng replied to the remarks of Mr. Cady, and called upon him to state the information he possessed and to which he had alluded. He went into some history of the crisis in which the services of Mr. T. were rendered. He regretted the offering of the amendment, and would prefer that the bill remain as at first reported—he thought the House ought to comply with its decision at the last session, and carry the principles then sanctioned into full effect.

Mr. Cady replied to Mr. Cambreleng, and complained that he should be forced into the debate by his colleague. He avowed no hostility to Governor Tompkins, and disclaimed any reflection on the President of the United States or his officers. He adverted to the short period in which he had served in the field, the services of others equally meritorious, the allowances made to the claimant by the State of New York, &c.

Mr. Cambreleng replied—and observed that his only object had been to elicit from his colleague any information he might be willing to communicate on the subject.

Mr. Warfield moved to rise.

The motion was negatived—ayes 70, noes 87.

Mr. Williams, of North Carolina, inquired of Mr. Stevenson for the items which made up the sum he had moved. Mr. Stevenson explained that he had founded the calculation on the verdict of the jury of New York, and deducting from it such sums as had been paid Mr. T. at the Treasury.

Mr. Williams replied, and still wished for particulars.

Mr. McCoy spoke in opposition to the amendment.

The debate was then further continued by Messrs. Wright, of Ohio, Kremer, of Pennsylvania, Beecher, of Ohio, Ingham, of Pennsylvania, who opposed the amendment, and Messrs. J. S. Barbour and Hogeboom, who advocated it.

The question being taken on the amendment of Mr. Stevenson, (founded on the New York verdict,) was decided in the negative.—Ayes 61, noes 74.

The question then recurring on the amendment proposed by Mr. Wickliffe, (which strikes out all the first section except the enacting clause,) it was decided in the negative.—Ayes 62, noes 77.

Mr. Cambreleng moved to fill the blank in the second section, with the sum of $115,000—and, the question being taken, it was decided in the affirmative—ayes 86, noes 65.

The bill was then reported as amended.

Mr. McCoy moved to adjourn. Negatived—ayes 63, noes 70.

Mr. Wright then gave notice, that, if the House refused to concur in the report of the committee, he would move to fill the blank with $60,000, and the ayes and noes on concurring were called for and ordered by the House.

The question of concurring in the committee's report—filling the blank with $115,000—was then decided in the affirmative—yeas 76, nays 61, as follows:

Yeas—Messrs. Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Brent, Brown, Burton, Cambreleng, Cary, Cobb, Collins, Conner, Craig, Crowninshield, Cuthbert, Day, Dwinell, Eaton, Eddy, Edwards of North Carolina, Foot of Connecticut, Foote of New York, Frost, Garrison, Gatlin, Gist, Govan, Gurley, Hamilton, Henry, Herkimer, Hogeboom, Hooks, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, Kent, Lawrence, Litchfield, Livermore, Long, McDuffie, McKim, McLane of Delaware, Mangum, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Newton, Owen, Poinsett, Richards, Scott, Sharpe, William Smith, Spaight,

A. Stevenson, J. Stephenson, Stoddard, Taliaferro, Tattnall, Taylor, Ten Eyck, Thompson of Georgia, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Wyck, Wayne, Whipple, Williams of New York, Henry Wilson, and Woods.

NAYS—Messrs. Alexander of Tennessee, Baylies, Beecher, Blair, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Cocke, Condict, Cook, Crafts, Culpeper, Ellis, Forsyth, Harris, Harvey, Hobart, Ingham, Isacks, F. Johnson, Kremer, Leftwich, Letcher, Lincoln, McArthur, McCoy, McLean of Ohio, Martindale, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Neale, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Reynolds, Rich, Ross, Sandford, Sibley, Sloane, Arthur Smith, Standefer, Swan, Tomlinson, Vinton, Warfield, Whitman, Whittlesey, Wickliffe, Williams of Virginia, Williams of North Carolina, James Wilson, Wilson of Ohio, Wood, Wright.

Mr. WICKLIFFE then moved further to amend the bill by striking from the first section the following:

"That the President of the United States, in the final decision of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States, be, and is hereby, authorized to allow the said D. D. Tompkins interest upon the amount of the commission which may be allowed him for disbursements."

And the question thereon being stated, the House adjourned.

FRIDAY, May 21.

The SPEAKER laid before the House a letter from the Postmaster General, transmitting a statement of the extent of the post roads, amount of postage collected, compensation of postmasters, incidental expenses, cost of transporting mails, &c., in each State and Territory, in the years 1820, 1821, and 1822; prepared in obedience to a resolution of this House of the 17th of December last; which was read, and laid on the table.

Mr. COCKE, from the Committee on Indian Affairs, to which was referred the bill from the Senate, entitled "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes," reported the same without amendment; and it was committed to a Committee of the whole House to-day.

Mr. NEWTON, from the Committee on Commerce, to which was referred the bill from the Senate, entitled "An act for the relief of Alexander Scott, late collector of Pensacola," reported the same without amendment; and it was committed to the Committee of the whole House to which is committed the bill to allow a salary to the collector of Pensacola.

The Committee on the Public Lands were discharged from the consideration of the Message of the President of the United States, of the 18th ultimo, accompanying a communication from Alexander Hamilton, relative to titles to lands in Florida; and the said Message was referred to the Committee on the Judiciary. And the said committee were also discharged from the petition of Marienne Lasselle and others, and leave given to withdraw the same.

On motion of Mr. TAYLOR, it was

Resolved, That the Commissioner of the Public Buildings dispose of the building south of the Capitol, now used for committee rooms, to the best advantage, and that the same be removed.

Mr. TRIMBLE laid the following resolution on the table for consideration:

Resolved, That the Secretary of the Treasury be directed to report to this House, at an early day of its next session, whether any, and what, provision can be made, by law, to distinguish between importations made by aliens, or on foreign account, and those made by citizens of the United States. And, also, report the amount of duties which accrued on imports during the year 1822, or 1823, classing the imports according to the aggregates of the several credits allowed by law upon the duty bonds, so as to show the aggregate under each head of credit, for the year selected; and so as to show, also, by estimate, the amount of interest that would have accrued upon the bonds, if the several credits had been allowed upon the payment of interest at the rate of six per centum per annum.

On motion of Mr. WRIGHT, the Committee on Military Affairs were instructed to inquire whether further legislative provision is necessary to carry into effect the act of Congress of the third of March, 1823, entitled "An act to establish a national armory on the Western waters."

A message from the Senate informed the House that the Senate have appointed JOHN GAILLARD President of the Senate, *pro tempore*, in the absence of the Vice President of the United States. The Senate have passed a bill of this House, entitled "An act to improve the navigation of the Ohio and Mississippi rivers," with amendments, in which they ask the concurrence of this House.

The SPEAKER laid before the House a report from the Secretary of the Treasury, accompanying three statements prepared in obedience to the act establishing a Mint, showing the expenses of that establishment; which report was laid upon the table.

The engrossed bill "to authorize the surveying and making of a road from a point on the northwest boundary of the State of Ohio, near the foot of the Miami of Lake Erie, to Detroit, in the Territory of Michigan," and the bill from the Senate, "for the relief of the representatives of John Donelson, Stephen Hurd, and others," were read a third time, and passed.

On motion of Mr. MCLANE, of Delaware, the House went into Committee of the Whole, (Mr. FOOT, of Connecticut, in the Chair,) on the bill "making further appropriations for the military service of the United States for the year 1824."

Several amendments having been made, the Committee rose, reported progress, and had leave to sit again.

POST OFFICE BILL.

The engrossed bill "to discontinue certain post routes, and to establish others," was then read a third time; and, having been slightly amended, the question was put, "Shall it pass?

Mr. BEECHER spoke a few words in opposition, and called for the yeas and nays, which were ordered, and were—yeas 93, nays 46, as follows:

Yeas—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartley, Brent, Brown, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Collins, Conner, Cook, Cushman, Cuthbert, Dwinell, Dwight, Eaton, Edwards of Pennsylvania, Ellis, Foote of New York, Forward, Frost, Garnett, Gatlin, Govan, Gurley, Hall, Hamilton, Henry, Hogeboom, Houston, Isacks, Jennings, F. Johnson, Lawrence, Leftwich, Lincoln, Litchfield, Livingston, Locke, Longfellow, McCoy, McDuffie, McKee, McLane of Delaware, McLean of Ohio, Mallary, Markley, Marvin, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Alabama, Newton, Owen, Patterson of Pennsylvania, Poinsett, Richards, Sandford, Scott, Sharpe, Sibley, Sloane, Spaight, Standefer, J. Stephenson, Stewart, Taliaferro, Ten Eyck, Test, Thompson of Georgia, Udree, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, Henry Wilson, Wilson of South Carolina, Wood, Woods, and Wright.

Nays—Messrs. Alexander of Virginia, Bartlett, Beecher, Burleigh, Campbell of Ohio, Crafts, Craig, Crowninshield, Culpeper, Day, Foot of Connecticut, Forsyth, Harris, Harvey, Herrick, Hobart, Ingham, Johnson of Virginia, J. T. Johnson, Little, Livermore, Long, McArthur, Martindale, Matlack, Matson, Nelson, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Reed, Rich, Ross, Arthur Smith, Sterling, Strong, Swan, Taylor, Tod, Tomlinson, Van Wyck, Whipple, Whitman, Williams of Virginia, Williams of North Carolina, and Wilson of Ohio.

So the bill was passed, and sent to the Senate.

COMMITTEE ROOMS, &c.

Mr. Taylor, from the joint committee appointed by the two Houses of Congress to make such distribution of the rooms of the centre building of the Capitol, as the business and convenience of the two Houses require, made the following report, viz:

The joint committee of the Senate and House of Representatives, to which was referred the resolution directing them to make such distribution of the rooms of the centre building of the Capitol as the business and convenience of the two Houses of Congress require, report:

That, in the centre building, besides the Rotunda and Library room, (the purposes of which are already designated,) there are the following rooms:

In the basement story.

2 corner rooms - - -	19	by	27	feet.
2 looking west - - -	22		30	“
2 smaller rooms - - -	14		30	“
1 looking north - - -	18		24	“
1 looking south - - -	18		24	“

8 rooms suitable for committees.

4 opening into courts.

In the second story.

2 corner rooms - - -	19	by	27	“
2 looking west - - -	22		30	“
2 looking south and north -	18		24	“
1 looking on south court -	19		20	“
1 looking on north court -	19		24	“
1 looking west, under Library	30		42	“
4 open to east courts - -	17		17	“

13 rooms in second story.

In the third story.

2 corner rooms - - -	19	by	27	feet.
2 looking south and north -	18		24	“
2 looking south and north -	12		18	“
1 on south court - -	19		20	“
1 on north court - - -	19		24	“

8 rooms in third story.

In the fourth story.

2 corner rooms - - -	19	by	27	feet.
2 looking south and north -	18		24	“
2 looking south and north -	12		18	“
1 looking on south court -	19		20	“
1 looking on north court -	19		24	“

8 rooms in fourth story.

RECAPITULATION.

Rooms in basement story (exclusive of four opening into courts) - - -	8
Rooms in second story - - - -	13
Rooms in third story - - - -	8
Rooms in fourth story - - - -	8
Total number of rooms - - -	37

The committee have appropriated the room in the third story, adjoining the Library room, and on the north of it, and the room adjoining thereto on the east, numbered 22, as reading rooms, to be connected with the Library. They recommend that the room adjoining the last mentioned, and on the east of it, numbered 23, be appropriated as a consultation room for the use of the Judges of the Supreme Court of the United States. They also recommend, that, until Congress shall make a further disposition of the large room under the Library, in the second story, the same may be occupied by the Columbian Institute as a place for holding their meetings, and a place of deposite for their books, papers, furniture, and collections.

As to the remaining rooms, the committee have appropriated all those north of the centre of the building, except the fourth story, to the Senate; and all those south of the centre, together with the whole of the fourth story, to the House of Representatives.

The committee, therefore, submit the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the distribution of the rooms in the centre building of the Capitol be made agreeably to the above report.

The report and resolution were read, and agreed to by the House.

On motion of Mr. Taylor, it was then resolved that a committee be appointed to make distribution of the rooms in the Capitol, appropriated to the use of the House of Representatives; and Mr. Taylor, Mr. Hamilton, Mr. Kent, Mr. Tod, Mr. Hemphill, Mr. Condict, and Mr. Eddy, were appointed the said committee

ACCOUNTS OF DANIEL D. TOMPKINS.

The House took up the bill "making provision for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York."

The question recurring, from yesterday, on the motion of Mr. Wickliffe, to strike out the first section of the bill, he modified that motion, by proposing, as a substitute for the part stricken out, a section which went to allow only the amount settled at the Treasury, and contained in the President's Message on this subject, (viz, $60,239 24.) He supported this amendment by going into a summary view of the pecuniary transactions between Mr. Tompkins and the Government, and contended that the sum already allowed to that individual, was equivalent to a salary of $76,000 per annum for his personal services, a reward much greater than had ever been given to any other person for public services. Mr. W. referred to similar exertions made by others to support the national credit, &c.

Mr. Livermore spoke in reply, and contended that, having referred the settlement of these accounts to the President, and having received his decision, it was unworthy of the dignity of the House to go into a farther contest of the claim. He remarked on the justice of the principles on which the claim rested, but said it was too late to investigate those principles, since the President had given his award. It was better to pay him his demand than to occupy the time of the House in passing eulogies on his patriotism and services.

Mr. Williams, of North Carolina, said, that there was no dispute, on either side, whether the amount awarded by the President was to be paid, but only concerning an item on which the President had not made up a determination, viz: the allowance of interest on his commissions. He denied that the amount of these commissions was due as soon as the money was disbursed by Mr. Tompkins, since there was no law which sanctioned any such demand. Those commissions were not due till the law was passed which allowed them; and, if any interest on the commissions was due at all, it would not be due farther back than the date of that law. He contended for a principle of equal dealing with all claimants—which he insisted was a fundamental principle of this Government. He condemned the idea of settling a debt of moral gratitude in dollars and cents. Interest was never allowed, by law on a running account, and this account was not settled till last year. He deprecated the precedent which the proposed act would establish. If it passed, its principle must be applied to the multitude of various claims which are presented to this Government.

Mr. Mangum replied, and took the opposite side of the question, contending against the presumption that Government is always both ready and willing to pay a just demand against it; a presumption which, in many cases, could not be denied to be in flat contradiction of fact. He showed how the claim arose, and contended that Governor Tompkins had been a lender to the Government to a great amount, at a moment of its utmost need—when the President and all the Secretaries could not raise $3,600, to pay the most pressing demand. He maintained the equity of allowing, that, if commissions were due at all, they were due as soon as the disbursements were made.

Mr. Ross argued, that as the President had awarded a sum different from that found by the New York jury, the House ought not to consider itself under any obligation to be governed by it. He went into a review of the settlement of Mr. Tompkins's accounts, as made by the Treasury and allowed by the President, and contended that it ought not to go any further.

Mr. Ellis protested against the negative vote of all who yesterday opposed the passage of the bill being interpreted as expressive of an opposition to the whole claim, but only so much of it as respected the interest on commissions. Many who gave that vote were willing to subscribe to the account as audited at the Treasury. He objected to any argument from the patriotism or services of the claimant; the claim was a matter of justice, and not a question of generosity or gratitude. He maintained that interest was applicable only to cases of absolute certainty—it followed certainty in a debt, as the shadow followed the substance. These commissions were wholly uncertain previous to the act which allowed them. Neither the sum on which they were to be allowed, nor the rate by which they were to be allowed, was ascertained till the law settled it. He did not object to the allowance of interest on the balances due—it had his hearty assent—although it was a departure from the ordinary rule of the Government. He thought the extraordinary circumstances of the advances made, was sufficient to justify it. But he objected to the principle of allowing interest on commissions, and deprecated the precedent.

Mr. McLane rose in reply—maintaining that this was not a claim for interest on commissions as such; but for interest on a balance justly due, into which those commissions happened to enter; if the balance was due the interest was also due. As to the rate of commissions being greater than usually allowed bv Government on disbursements, he contended that they were not allowed in this case on mere disbursements, but on the raising of money on private responsibility and disbursing it at personal risk, (and which had issued in the ruin of the individual.) To the argument from precedent, he replied by adducing a long list of cases taken from the records of the Treasury, in which interest had been allowed.

The debate was then farther continued by Mr. Cocke, Mr. Wright, Mr. Warfield, Mr. Williams, Mr. Tod, Mr. Mallary, and Mr. Reynolds, who advocated the amendment of Mr. Wickliffe; and Mr. Hamilton, Mr. McLane and Mr. Brent, who opposed it, and contended for $115,000.

Mr. Wright, of Ohio, spoke as follows:

Mr. Speaker: Reluctant as I am to enter into debate on this question, or to oppose the passage of a bill, having for its object the settlement of the claims of an highly distinguished and meritorious public officer, a sense of public duty impels me to present to the House my views upon the subject under consideration. But, before I proceed to examine the case, it may be well to give you my conception of the real state of the question before you.

The bill, as reported by the Committee of Ways and Means, contains two provisions of widely different character—one for paying to the Vice President $60,239 24, the sum awarded by the President; the other for paying, in addition to that sum, the further sum of about $55,000, as interest upon the commission of five per cent. allowed him for disbursing the public money. The proposition of the gentleman from Kentucky goes to the rejection of the whole bill, and to substitute a simple provision, appropriating a sum for the payment of the award of the President, without the allowance of interest. I am, sir, in favor of the substitute; and, if it be adopted, shall vote for the bill, but, if rejected, shall feel myself bound to vote against the bill. I am in favor of this appropriation, because it is the decision of the President, the umpire chosen by ourselves to settle this claim; and it is not my design to enter into an examination of the meritorious and distinguished services of the late Governor of New York, or of the allowances made him by the President. But, sir, it may be important to recall to your recollection the situation of the affairs of this country, and the position the claimant occupied in relation to them, at the commencement and during the rendition of these services.

The present Vice President, during the late war, filled the gubernatorial chair of New York, at a salary of $7,000 or $7,500 per annum, and at the same time acted as a Major General in the service of the United States, in the receipt of pay and emoluments, in addition to the salary as Governor, of at least $4,000 per annum, making a total amount of pay, &c., of upwards of $11,000 a year. As Governor he was commander-in-chief of the military force of New York, and bound in duty, as such, to provide for the protection of that State. As Major General of the United States, he was equally bound to secure his command from the inroads of the enemy, and I believe his command was the whole State of New York. In discharging the duties pertaining to him, in the very important station he filled, he exhibited a zeal, vigilant industry, and perseverance, that could only be incited by an ardent attachment to the Constitution and liberties of his country, and a fixed determination, at any and all hazards, to sustain her cause, as well against foreign enemies as domestic foes. This conduct secured to him the admiration of his countrymen, and entitled him to their gratitude—an admiration and gratitude in which I claim to participate in no small degree. Sir, every citizen in a republic *owes* to his country the exertion of every faculty of mind and body, and however meritorious the services of this distinguished individual were, they reached only a faithful discharge of the duties of his station.

Owing to causes which it is unnecessary for me to explain to you, the affairs of your Treasury became extremely embarrassed during the war, and its credit sunk so low that it could not, without difficulty, raise a dollar to meet the many and urgent demands upon it; and, while at the lowest point of depression, the calls for protection, along an extended and exposed frontier, were the most pressing. An emission of Treasury notes was resorted to, but the combined efforts of brokers and stock-jobbers sunk them immediately below par. The necessity of defending the great and important city and State of New York, was palpable, but the means of affording protection seemed to be without the reach of the General Government. Governor Tompkins was urged to negotiate loans from the banks in New York; the Treasury of the Union was pledged for the ultimate payment, and for the transmission of Treasury notes, to be held as collateral security. This is evidenced by matters of general notoriety, and by the report of the Committee of Ways and Means, which I shall have occasion hereafter to notice. Governor Tompkins received, in addition to the assurances of the Executive Department, those of many influential men in New York, of the ultimate ability and disposition of the Government to indemnify him. The banks refused the loan direct to the National Government, (probably because no law authorized it to be made,) and Governor Tompkins was only able to procure the advances by using his own credit, backed by his friends. In this way, about $900,000 was procured from the Corporation of New York, (to be expended in protecting the city) and the banks; and Governor Tompkins disbursed this sum, and about as much more, $1,844,262 67.

In the discharge of the various duties confided to him, some irregularity in his vouchers was to be expected, and a consequent embarrassment. In the settlement of his accounts with the State of New York, as well as with the General Government, difficulties occurred, and balances were reported against him. That of New York, to an amount of about $100,000, was released to him by a legislative act, while the Treasury reports on his accounts with the United States remained unpaid. The act of Congress prohibiting the payment of salaries, &c., to any officers against whom balances were standing upon the Treasury books, until those balances were paid, occasioned a suspension of the salary of the Vice President, and drew from him a request to have suit against him. Suit was brought against him in the District Court of New York, and a verdict found in his favor, accompanied by an unofficial certificate, which I need not notice; for no one since has regarded it as furnishing any evidence in support of the claim. In this state of things application was made to Congress, and the prohibitory clause of the law was repealed, so far as regarded the salary of the Vice President; and the accounting officers of the Treasury were authorized to settle his accounts upon principles of justice and equity, subject to the revision and final decision of the President. It is manifest that the claims of Governor Tompkins were not predicated upon any laws of the United States, existing at the time of his disbursements, or at the time of the passage of the act of February, 1823, otherwise that act would have been useless.

Sir, the accounts of this officer, under the law just mentioned, were adjusted at the Treasury, and a balance reported in favor of Governor Tompkins of $35,190, which was communicated by the President, in a Message to the House, on the 7th December last, in which you are told, that, having the report and the claim for additional allowance under consideration, the President is of opinion that a large sum ought to be allowed to Governor Tompkins, which would have been before decided on, had he not delayed the decision, at his request, I know not what induced the request for delay; for it does not appear that any vouchers were wanting, nor is any reason whatever given for it. An appropriation was recommended for the balance reported, and we unhesitatingly made it. This Message was referred to the Committee of Ways and Means—one of the ablest in the House—and, it is worthy of remark, that, although the President only reported in part, and did not surrender the power given him to decide on the residue of the claims, the allowance of which had been delayed, in consequence of Governor Tompkins's request, or even doubt their extent—yet that committee reported that the powers vested in the President, under the act, were amply sufficient to a decision of the claim, and recommended its reference back to the President, to be settled, upon the four following principles:

First, That interest should be allowed to him on all moneys advanced by him, for the public, from the time of the advance to that of his being reimbursed.

Second, That a reasonable commission should be allowed him in on all moneys disbursed by him during the late war.

Third, That an indemnity should be allowed him for all losses which he had sustained by the failure of the Government to fulfil its engagements to send him money, or Treasury notes, within the time specified, to be deposited in certain banks, as collateral security for loans procured by him at the request, and on account of, the Government.

Fourth, That he should not be held responsible for losses incurred by the frauds and failures of sub-agents, to whom moneys were advanced through his hands.

This report was concurred in by the House, without opposition, and is, to my mind, a singular interference with the Executive in the performance of a power limited in its terms only by his discretion. But, sir, the report speaks the opinion this able committee then entertained of the principles by which the Executive and ourselves should be governed in settling the accounts of Governor Tompkins, and furnishes me evidence, which the committee will certainly deem creditable, that the allowance of interest on the commission, (which is now so eagerly pressed by them,) was not then considered by them as embraced within any recognised principle. This House, in adopting this report, made its assumptions and principles its own.

The President again had this account under consideration, and, in his Message, of the 28th of April, communicated to you the result. He states that, under the first head of allowance, he had allowed Governor Tompkins $14,438 68, on the "declarations of Mr. Tompkins" that the remittances made to him after his advances, and previous to the 24th of December, 1814, when a very large sum was remitted to him, was applied to public purposes, and not to reimburse his advances; that, under the second head, he allowed him $92,213 13, or five per cent. on the whole sum disbursed by him, "an extra allowance, in consideration of the aid which he afforded to the Government at that important epoch, in obtaining the loan of a considerable part of the sum thus disbursed." Under the third head, he allowed $4,414 25, being the "amount of the loss sustained." Under the fourth head, "no loss being shown, no allowance whatever has been made." These sums amount to $111,063 06, and leaves, after deducting the payments and sums charged to his account, due to Governor Tompkins a balance of $60,238 46, the sum the proposition under consideration provides to pay. The President tells you also, sir, that, upon this settlement, a question arises as to interest on the commission, and that, inasmuch as if the claims had been settled upon the principles of the law of the last session, the commission would have been paid him, that "consideration operates with great force in favor of the allowance," which he recommends to Congress, to whom he considers the question exclusively to belong.

I do not understand this as recommending the payment of interest, but as presenting to our consideration the reasons which suggested themselves to him for an allowance not embraced within any general principle, or the provisions of the law of the last session. The law of the last session authorized the settlement of these accounts upon principles of justice and equity; and if justice and equity require of us to pay the $55,000 interest upon this commission, which the President considers an extra allowance, it was embraced within the express authority given in the act. Sir, I mean no disrespect to the Executive, nor would I treat his recommendations lightly; but my public duty is a paramount consideration, and in my character of a guardian of the public Treasury, I cannot consent to appropriate the people's money without my own mind is satisfied that justice requires it. If the President had decided that the interest should be paid, I should have felt bound, because by law the matter was referred to his decision. The allowance is not made by the President, and was not heretofore considered by the Committee of Ways and Means as proper, but seems to be an after-thought of the committee, influenced by feelings of gratitude, and to be pressed rather as a matter of experiment than conviction. I feel myself warranted in saying this, sir, by the course pursued by the committee. If the allowance rests upon principles of justice and equity why not present it to us and urge it upon that ground alone? If dependent upon these principles, the whole sum is due, and the committee should insist upon every dollar of it; yet we are one moment urged to give $115,000, which is several hundred dollars short of the interest computed upon their own principles, and the next moment besought to give $100,000, predicated upon the unofficial certificate of the New York jury, which is some $14,000 less than the interest would swell this balance to. These several sums are all pressed upon you, as resting upon the same principles of justice and equity! Sir, those principles are unchangeable, and gentlemen cannot vary them to answer their varying purposes. When gentlemen seek to change the settled rules of conduct, they should at least endeavor to observe the rules of consistency in the reasons they offer to effect their end.

It is urged, sir, that this is an extraordinary case, and not subject to the common rule. That the services rendered were of the highest character, and most eminently beneficial; and the gentleman from South Carolina (Mr. Hamilton) urges us to make a distinction between the rule applicable to the settlement of a blacksmith's account, and the rule applicable to the great and beneficial services of this distinguished citizen! I must be permitted to look at this claim, when presented, as a matter of account, at least; in the same way I would look upon the demand of the humblest individual in community, and to settle it by the same rule. The doctrine of the gentleman from South Carolina is not founded in any principle known in this Government, and I, for one, sir, will protest, as long as I can raise my voice, against applying one rule of justice in the adjustment of the claims of the rich and powerful, and another more contracted, to those of the poor mechanic or laborer, who perform your service.

Again, it is urged that Governor Tompkins has claims upon the gratitude of this nation, which should induce a departure from the established rule, to allow this interest. If your grateful feelings induce you to give, and you will say in your bill, they are the moving cause of your apprehension, the claim would be better than it now is; yet I should be compelled to oppose it. The gratitude of this nation never *has been*, and, I trust, never *will be*, measured by dollars and cents, or satisfied by appropriations of money. The fine feeling of patriotism, which all are proud to cherish, should not be deadened by the admission of such a principle. I do not intend to examine the merits of the allowances made by the President, but when gentlemen charge the American people with ingratitude; when they attribute to the advocates of this proposition motives adverse to the principles of justice, I must claim your indulgence a short time, while I notice them. Your public officers are paid by salaries, per diem allowances, or perquisites, and it is no uncommon thing to incur the responsibility of disbursing large sums of money; but it is believed this is the only instance where it has been claimed that a salary officer, disbursing money in his official station, was entitled to a broker's commission upon disbursements. I know many gentlemen in the West, who served during the last war, and rendered valuable aid to the Government, who were called upon to disburse large sums of money, (and one, who is now near me, not only disbursed large sums of money, but frequently exerted his own credit to procure funds to sustain his command,) and yet, I believe, no one of them ever thought of making a charge of commission upon the sums disbursed. The case of Stetson, of Boston, employed in the supply department, has been alluded to by the gentleman from North Carolina, as a strong case, and has but a few days ago been under your consideration. He was merely a disbursing officer, and under no obligation, except that of the patriot, to expend a dollar beyond the funds in his hands. His case, among the documents on your table, shows an expenditure by him of about $750,000, much of which he had advanced of his own funds, and procured loans from individuals and banks for much more. He saved you a large amount of money by his unremitted industry, besides keeping your Army from great suffering and distress. The law under which he acted allowed him a commission of 2½ per cent. provided it did not exceed $2,000 a year. He kept an exact account of interest. He presented his account to you, and after pressing it upon you by every consideration, you rejected his claim *as interest*, and compromised, by allowing him, and it was all he could extort from you, a sum not quite equal to the $2,000 a year, and far short of 2½ per cent. upon the moneys he disbursed. What distinguishes that claim from this? Cases of this kind are numerous. Your tables are loaded with them; but your rules as to them are inflexible.

These are the ordinary cases of persons going beyond the requirements of their duty, to serve the country, although the exertions used, and the responsibilities incurred, are of an extraordinary and meritorious kind. If you begin to make exceptions, where will you stop? This Government, sir, has not been ungrateful or illiberal to this meritorious officer. On the contrary, the facts of the case show an extraordinary liberality. It is said the services of Governor Tompkins continued for a period of eighteen months. If you compute his salary as Governor, his pay and emoluments as Major General, the allowance by the Legislature of New York, and the allowance by the President, exclusive of interest, he will get about $230,000, or near $13,000 a month. There are no three officers of the Government, including the President, that has been allowed as much. Yet we are told the people are ungrateful, and that we are persecuting this individual. The President considers the allowance he made as an "extra" one. The committee propose to go further than we have gone before in any case, and because we cannot see our way clear, we are charged with opposition to this officer, and of lending our aid to persecute him. You have seen, sir, the imputation is wholly groundless. I regret that I felt called upon to make these observations, but the course taken in opposition seemed to require it. Before I quit the subject, allow me to add, that not only the President's Message, but the report of the Committee of Ways and Means themselves, and notorious facts, warrant the assumption that the loans were negotiated by Governor Tompkins, as the agent of the Government, upon the credit and on account of the Government; and, if it had not been for an ultimate dependence upon, and confidence in, the Government, no loans would have been effected; whatever reason there may have been for securing the ostensible responsibility of Governor Tompkins, the credit must have been mainly given to the Government, and obtained under an agreement between the Government and Governor Tompkins.

The proposition, sir, is an important one, and, in order to give every gentleman an opportunity to record his vote on the question, I call for the ayes and noes.

When Mr. WRIGHT had concluded—

The question was taken by yeas and nays, and stood—yeas 83, nays 80, as follows:

YEAS—Messrs. Alexander of Tennessee, Allen of Massachusetts, Baylies, Bartlett, Bartley, Beecher, Blair, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Cocke, Cook, Crafts, Culpeper, Cushman, Dwight, Edwards of Pennsylvania, Ellis, Forward, Harris, Harvey, Henry, Herrick, Hobart, Hooks, Houston, Ingham, Isacks, Jennings, Johnson of Virginia, J. T. Johnson, Kremer, Leftwich, Letcher, Lincoln, Little, Locke, Long, Longfellow, McArthur, McCoy, McLean of Ohio, Mallary, Martindale, Matlack, Matson, Mercer, Mitchell of Pennsylvania, Neale, Nelson, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Rankin, Reynolds, Rich, Ross, Sandford, Sibley, Sloane, Arthur Smith, Standefer, Sterling, Swan, Test, Tod, Tomlinson, Vance of North Carolina, Vinton, Warfield, Webster, Whittlesey, Wickliffe, Williams of Virginia, Williams of North Carolina, James Wilson, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Breck, Brent, Brown, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cassedy, Cobb, Collins, Conner, Crowninshield, Cuthbert, Day, Dwinell, Eaton, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Frost, Garrison, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Herkimer, Hogeboom, Holcombe, Kent, Kidder, Lawrence, Litchfield, Livermore, Livingston, McDuffie, McKim, McLane of Delaware, Mangum, Markley, Marvin, Mitchell of Maryland, Moore of Alabama, Newton, Owen, Poinsett, Richards, Rose, Saunders, Scott, Sharpe, Alexander Smyth, Spaight, A. Stevenson, J. Stephenson, Stoddart, Taliaferro, Tattnall, Taylor, Ten Eyck, Thompson of Georgia, Tucker of South Carolina, Tyson, Udree, Vance of Ohio, Van Wyck, Wayne, Whipple, Williams of New York, Henry Wilson, and Woods.

So the amendment of Mr. WICKLIFFE, which appropriates $60,239 24, was adopted.

The bill was then reported, and ordered to be engrossed for a third reading.

The House then adjourned.

SATURDAY, May 22.

Mr. NEWTON, from the Committee of Commerce, who were instructed to inquire into the expediency of providing that no license shall be granted to any boat or vessel hereafter built or fitted up, and moved or propelled by fire or steam, upon the principle of construction commonly called "high pressure," made a report, accompanied by a bill for the regulating of steamboats, and for the security of passengers therein; which was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the same committee, who were instructed to inquire whether any law exists in contravention of the provisions of the Convention of the 3d of July, 1815, between the United States and Great Britain; and, also, to inquire into the expediency of countervailing, by law, any duties or port charges on American commerce and tonnage, which Great Britain may lay thereon, in her colonies or elsewhere, made a report thereon; which was read, and laid upon the table.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill making appropriations to carry into effect certain treaties; which was read twice, and committed to a Committee of the Whole, to which is committed the bill making further appropriations for the military service of the United States for the year 1824. (Indian expenses.)

Mr. HAMILTON, from the Committee on Military Affairs, to which the subject was referred, made a report relative to a purchase of additional ground in the vicinity of Fort Washington, to be added to the site of said fort; which report was laid upon the table.

On motion of Mr. HERRICK, the House took up the bill "to erect Bowdoinham, in Maine; Troy, in New York; and Fairport, in Ohio, into ports of delivery.

Mr. STRONG moved to insert the city of Hudson; which was agreed to, and the bill was then reported and ordered to a third reading.

The amendments of the Senate to the bill "to improve the navigation of the Ohio and Mississippi rivers," were agreed to by the House.

A bill "to establish an additional land office in the State of Missouri," was ordered to a third reading this day, which it subsequently received, was passed, and sent to the Senate.

On motion of Mr. McLANE, the House went again into Committee of the Whole, on the bill "making appropriations for the military service of the United States for the year 1824," (Indian department;) and the question recurring on an additional item for compensating the commissioners to ascertain a suitable site for a national armory on the Western waters, Mr. WILLIAMS, of North Carolina, moved to amend the amendment, by a proviso limiting the completion of the survey to one year from the present time. This amendment was opposed by Mr. CLAY. Mr. McLANE made some statements of the facts of this survey; and Mr. WILLIAMS replied to Mr. CLAY in explanation, and withdrew his motion.

The bill was then further amended by a proviso to extinguish the title of the Creek Indians to lands within the limits of Georgia.

The same Committee then took up the bill "making appropriation to carry into effect certain Indian treaties," and also the bill "making appropriation for the Library of Congress:" which having been amended, the three above bills were reported to the House, and ordered to a third reading to-day.

On motion of Mr. Brent, the House took up the bill "to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States to try the validity of their titles;" which was amended, by extending the time allowed for this suit, and adding a proviso saving bona fide claims which have been confirmed.

The bill was then ordered to a third reading this day.

On motion of Mr. Ingham, the House went into Committee of the Whole on the bill "authorizing the employment of additional clerks, messengers, assistants, and other persons, in the several departments of the Government."

Mr. Cocke moved to strike out that part of the bill which provides a clerk for the Surgeon General, and supported the motion by a speech, and the reading of the rules of the Medical department. The motion was opposed by Mr. Ingham, and rejected by a large majority. Several amendments were made, providing for extra clerk hire, &c.

The same Committee also took up the bill relative to the Patent Office, and to the salary of the Superintendent thereof.

On this bill considerable discussion took place between Messrs. Ingham, McLane, Livermore, Ross, and Warfield; and, on motion of Mr. Livermore, the enacting clause was stricken out. The Committee then rose, the amendments were concurred in by the House, and the former bill was ordered to a third reading this day.

A Message was received from the President of the United States, as follows:

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of the Navy, in compliance with their resolution of the 14th of April last, respecting Prize Agents, which report contains the information requested.

JAMES MONROE.

Washington, *May* 22, 1824.

The above communication was laid on the table.

On motion of Mr. Newton, the House went into a Committee of the Whole, (Mr. Sharpe in the Chair,) on the bill to allow a salary to the collector of the port of entry for the district of Pensacola, and to abolish the office of surveyor; which was amended by allowing a salary to the collector of Nantucket; and being reported to the House, was ordered to a third reading to-day.

The bills "granting land to the parishes of Point Coupee and of West Baton Rouge on certain conditions," (viz: making a levee,) were ordered to be engrossed for a third reading.

An engrossed bill, entitled "An act making further appropriations for the military service of the United States, for the year 1824," was read the third time, and passed. The title was amended by adding "and for other purposes."

An engrossed bill, entitled "An act authorizing an appropriation for the use of the Library of Congress," was read the third time, and passed. The title was amended by adding thereto these words: "and for furnishing rooms in the Capitol."

A messsage from the Senate informed the House that the Senate have passed a bill of this House, entitled An act for the relief of George Fisher, with amendments, in which they ask the concurrence of this House. The Senate have also passed bills, and a resolution, of the following titles, viz: An act for the relief of Joseph Forrest; An act in further addition to "An act to establish an uniform rule of naturalization," and to repeal the acts heretofore passed on that subject; An act to amend an act, supplemental to an act, entitled "An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the 22d of February, 1819," approved the 3d of March, 1823; An act to extinguish the Indian claims to lands within the State of Missouri; Resolution authorizing the Secretary of State to furnish a copy of Tanner's American Atlas to each of the Ministers Plenipotentiary and Chargés des Affaires of the United States at foreign Governments; in which the Senate ask the concurrence of this House.

Engrossed bills of the following titles, viz:

An act to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes;

An act making appropriations to carry into effect certain Indian treaties;

An act concerning pre-emption rights in the Territory of Arkansas;

An act granting a tract of land to the inhabitants of Point Coupee, on certain conditions;

An act reserving to the Wyandot tribe of Indians a certain tract of land in lieu of a reservation made to them by treaty;

An act to allow a salary to the collectors of the Districts of Nantucket and Pensacola, and to abolish the office of Surveyor of the District of Pensacola; were severally read the third time, and passed.

The bill from the Senate, entitled "An act for the relief of Alexander McNair," was read the third time, and passed, as amended.

The bill from the Senate, entitled "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes," was read the third time, and passed, as amended.

The amendments proposed by the Senate to the bill, entitled "An act for the relief of George Fisher," were read, and referred to the Committee on the Public Lands.

Bills from the Senate, of the following titles, viz:

1st. An act for the relief of Joseph Forrest;

2d. An act in further addition to an act to establish an uniform system of naturalization, and to repeal the acts heretofore passed on that subject;

3d. An act to amend an act, supplemental to an act, entitled "An act to carry into effect the ninth article of a treaty concluded between the United States and Spain, the 22d day of February, 1819," approved the third of March, 1823;

4th. An act to extinguish Indian claims to lands in the State of Missouri; were, severally, read the first and second time, and referred, the 1st, to the Committee on Commerce; the 2d, to the Committee on the Judiciary; the 3d, to the Committee on Foreign Affairs; the 4th, to the Committee on the Public Lands.

The joint resolution, from the Senate, "authorizing the Secretary of State to furnish a copy of Tanner's American Atlas to each of the Ministers Plenipotentiary and Chargês des Affaires of the United States at foreign Governments," was read twice, and laid upon the table.

ACCOUNTS OF DANIEL D. TOMPKINS.

The engrossed bill "making appropriation for settling the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States," was read a third time.

Mr. Sloane said a few words in opposition to its passage, and called for the yeas and nays, which were ordered, and stood—yeas 114, nays 16, as follows:

Yeas—Messrs. Abbot, Allen of Tennessee, Archer, P. P. Barbour, Bartlett, Bartley, Breck, Brown, Cambreleng, Cary, Cobb, Collins, Condict, Conner, Cook, Crafts, Crowninshield, Culpeper, Cuthbert, Day, Durfee, Dwinell, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Foot of Connecticut, Foote of New York, Frost, Garrison, Gatlin, Gist, Gurley, Harris, Harvey, Hemphill, Henry, Herrick, Herkimer, Hobart, Hogeboom, Hooks, Houston, Jenkins, J. T. Johnson, Kent, Kidder, Kremer, Lawrence, Litchfield, Little, Long, McCoy, McDuffie, McKim, McLane of Delaware, Mallary, Matlack, Matson, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Newton, Patterson of Pennsylvania, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reed, Reynolds, Richards, Rich, Saunders, Sandford, Scott, Sharpe, Sibley, Alexander Smyth, William Smith, Spaight, Standefer, Sterling, J. Stephenson, Stoddard, Taliaferro, Tattnall, Taylor, Test, Thompson of Georgia, Thompson of Kentucky, Tod, Trimble, Tucker of South Carolina, Udree, Vance of North Carolina, Vance of Ohio, Van Wyck, Vinton, Warfield, Wayne, Whipple, Whittlesey, White, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, and Wright

Nays—Messrs. Baylies, Beecher, Buckner, Cocke, Forward, Garnett, Isacks, Leftwich, McArthur, McLean of Ohio, Martindale, Metcalfe, Patterson of Ohio, Ross, Sloane, and Arthur Smith.

So the bill was passed, and sent to the Senate. And then the House adjourned.

Monday, May 24.

Mr. Forsyth, from the Committee on Foreign Affairs, to which was referred the bill from the Senate, entitled "An act to amend an act supplemental to an act, entitled 'An act to carry into effect the ninth article of a treaty concluded between the United States and Spain the 22d day of February, 1819,' approved the 3d of March, 1823," reported the same without amendment, and it was ordered to lie upon the table.

Mr. Kent, from the Committee for the District of Columbia, to which was referred the bill from the Senate, entitled "An act supplementary to an act to incorporate a company for making certain turnpike roads in the District of Columbia," reported the same without amendment, and it was ordered to be laid upon the table.

The Committee on the Public Lands were discharged from the consideration of the amendments proposed by the Senate to the bill, entitled "An act for the relief of George Fisher," and the said amendments were referred to the Committee of Ways and Means.

Mr. Plumer, of New Hampshire, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to provide for the punishment of certain crimes, when committed in any navy yard, fort, arsenal, magazine, dock-yard, lighthouse, or other place belonging to the United States," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The Committee on the Judiciary were discharged from the further consideration of the Message from the President of the United States, of the 18th instant, communicating a report of Alexander Hamilton, respecting land claims in Florida, and the same was again referred to the Committee on the Public Lands.

On motion of Mr. Campbell, of Ohio, the Doorkeeper was authorized to continue one of the messengers in his service during the recess of Congress, to be employed in cleaning and preserving the furniture, and in cleaning and airing the House.

Mr. Cambreleng laid the following resolution, on the table, for consideration to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to ascertain and report to Congress, at its next session, the rate of interest at which the Bank of the United States will continue the United States' loan of seven millions.

On motion of Mr. Gurley, the House went into Committee of the Whole, (Mr. Ingham in the Chair,) on the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse districts; which was amended; and, having been reported, was ordered to a third reading.

The resolution offered a few days since, by Mr. Trimble, in relation to importations by natives and aliens, was taken up, and agreed to.

A bill from the Senate "for the relief of Hezekiah Langley and Benjamin M. Belt," was read a third time. Mr. Cocke moved to lay the bill on the table. The motion did not carry. Its passage was then advocated by Messrs. **Williams**, of North Carolina, **Kent**, **Whittlesey**, **Sharpe**, **Neale**, **A. Smyth**, and **Warfield**, and opposed by Messrs. **Cocke**, **Whipple**, and **McCoy**; when it was passed, and sent to the Senate.

Engrossed bills of the following titles, viz:

An act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of four and a half per cent., for certain stocks bearing an interest of six per cent;

An act establishing Bowdoinham, in the State of Maine, Troy and Hudson in the State of New York, and Fairport, in the State of Ohio, ports of delivery;

An act granting a tract of land to the parish of West Baton Rouge, on certain conditions;

An act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several Departments; were severally read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill of this House, entitled "An act to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida,' and for other purposes," with an amendment; in which they ask the concurrence of this House. The Senate have also passed bills of the following titles, viz: An act to fix the western boundary line of the Territory of Arkansas, and for other purposes; An act for the relief of Nimrod Farrow and Richard Harris; An act to complete the survey of the southern and western boundary of the State of Missouri; An act for the relief of the legal representative of Thomas Robinson, deceased; and An act explanatory of an act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," approved on the 18th day of May, 1824; in which bills the Senate ask the concurrence of this House.

On motion of Mr. **A. Stevenson**, the bill for the relief of Joseph M. White and William Davidson; and,

On motion of Mr. **Livingston**, the bill regulating the mode of practice in the Circuit Court for the District of Louisiana—were ordered to a third reading.

On motion of Mr. **Lee**, the House went into Committee of the Whole, (Mr. **Sterling** in the Chair,) on the bill "for the relief of certain distillers in the United States." The bill was slightly amended, and, having been reported, was ordered to a third reading.

On motion of Mr. **Newton**, the House took up the bill "to abolish the office of measurer."

This bill was opposed by Messrs. **Wood**, **Sharpe**, and **Cambreleng**, and advocated by Messrs. **Newton** and **Tomlinson**.

An amendment was offered by Mr. **Webster**, excepting from the operation of the bill the port of Boston, which was successively modified by adding to the exception the ports of New York, Philadelphia, Salem, Charleston, &c.

Mr. **Cambreleng** moved to lay the bill on the table; which motion prevailed—ayes 61, noes 50.

Engrossed bills, of the following titles, viz:

An act for the relief of certain distillers in the United States;

An act for the relief of Joseph M. White and William Davidson; were, severally, read a third time, and passed.

The bill "to regulate the practice of the circuit court of the United States, in the district of Louisiana," being read a third time, Mr. **Cobb** expressed a wish for further information before he was called upon to vote on its passage. Messrs. **Livingston**, **Brent**, and **Webster**, went into an exposition of the principles of the bill, and explained the circumstances of that part of the United States, in respect to the legal practice which had prevailed there, and the oppressive operation which an introduction of the practice under the common law would have, an evil to be strongly deprecated.

Mr. **Ross** spoke in opposition to the bill, as introducing the principles of the civil law, and leading to a fruitful harvest of litigation, especially among those settlers in Louisiana who had been educated in other States.

The bill was then passed, and sent to the Senate.

The Committee of the whole House, to which is committed the bill concerning wrecks on the coast of Florida, were discharged from the consideration thereof. The said bill was then amended, and ordered to be engrossed, and read a third time to-day.

Bills from the Senate, of the following titles, viz:

1st. An act to fix the western boundary line of the Territory of Arkansas, and for other purposes;

2d. An act for the relief of Nimrod Farrow and Richard Harris;

3d. An act to complete the survey of the southern and western boundary of the State of Missouri;

4th. An act for the relief of the legal representatives of Thomas Robinson, deceased;

5th. An act explanatory of an act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of the public lands," approved on the 18th of May, 1824; were, severally, read the first and second times, and referred: the

1st, to a select committee, consisting of Messrs. **Conway**, **Brent**, **Letcher**, **Scott**, and **Houston**; the

2d, to the Committee on Naval Affairs; the

3d, to the Committee on the Public Lands; the

4th, to the Committee on the Judiciary; the

5th, to the Committee on the Public Lands.

The amendments proposed by the Senate to the bill, entitled "An act to amend an act, entitled 'An act to amend an act for the establishment of a territorial government in Florida, and for other purposes," were read, and concurred in by the House.

On motion of Mr. **McLane**, the bill reserving to the Wyandot tribe of Indians a certain tract of land in lieu of a reservation made to them by treaty, was considered, and ordered to a third reading.

On motion of Mr. CONWAY, the bill "concerning pre-emption rights in the Territory of Arkansas," was taken up, and ordered to a third reading.

On motion of Mr. COCKE, the House went into Committee of the Whole, (Mr. BRENT in the Chair,) on the bill from the Senate "making appropriation to enable the President of the United States to hold treaties with certain Indian tribes; and, being reported without amendment, was ordered to a third reading.

On motion of Mr. WILLIAMS, the House went into Committee of the Whole, (Mr. BURTON in the Chair,) on the bill from the Senate "for the relief of Hezekiah Langley and Benjamin M. Belt," and "for the relief of Alexander McNair, of Missouri."

The reports of the Committee of Claims were read, when the bills were reported, and ordered to a third reading.

FRENCH SPOLIATIONS.

Mr. FORSYTH, from the Committee on Foreign Relations, to which have been referred during the present session sundry petitions and memorials from insurance companies, and from merchants, and other citizens of the United States, upon the subject of spoliations committed on their commerce, on the high seas as well as in certain ports, under the orders or decrees of the Government of France, subsequent to the year 1806, made a report thereon, which was laid upon the table. The report is as follows:

The Committee of Foreign Relations on the several petitions of Archibald Gracie, Ezra Davis, Matthew, Thomas S., and Levinus Clarkson, William Gray, and others, of the Merchants' and Insurance Companies of Philadelphia, of the merchants and underwriters of Baltimore, referred to them by the House, report: That the petitioners ask the intervention of Congress for the recovery of their just claims against France, for spoliations committed, and property seized or destroyed, under different pretexts, since the year 1806. These claims are alluded to by the President, in his Message, at the opening of the present session of Congress, as resting upon the same principle with other claims which have been admitted by the French Government, and are the subject of the correspondence of the Minister of the United States with the French Government, communicated to the House of Representatives on the 5th of February last. To this correspondence the attention of the House is invited, for a full and fair understanding of the claims of the present petitioners, and of the other citizens of the United States, having similar demands against France, but who have not joined in this application for redress.

The committee have seen, with surprise, that, although the attention of the present Government of France was especially invited to this subject in 1816, and has been repeatedly recalled to it, since that time, that France has not yet thought proper to enter upon the discussion of it. No other answers have yet been given to various official communications of the Minister of the United States, than those required by the mere obligations of international courtesy.

The committee are of opinion that measures ought to be taken to impress upon France the necessity of an early and definite adjustment of this subject; and they would offer such measures to the consideration of the House, if the hope was not entertained that the Government of France would be found, during the ensuing Summer, prepared to investigate it.

The committee are confident that a fair examination, entered into with a disposition to do full justice, will be followed by an arrangement satisfactory to all parties.

The claims of our citizens may be divided into four classes.

1. For property sequestered.
2. For property condemned, regularly, under the Berlin and Milan decrees.
3. For property irregularly condemned under the same decrees, including that condemned by imperial mandate, without the intervention of any judicial tribunal.
4. For property burnt or destroyed at sea; a portion of it after the decrees authorizing such destruction had been repealed.

The first class includes, in addition to other property not acted upon by the judicial tribunals, the seizures at Antwerp in 1807, at St. Sebastian in 1809–10, in Holland in 1810, under a secret article of the treaty incorporating Holland with France. The right of the claimants to an immediate and full indemnity for all property sequestered and never condemned, cannot be plausibly contested. It was put under sequestration by an imperial decree, on suspicion that it was English property, merely to give time to ascertain whether it was English or not. That it was not English, is now well known to the Government of France. Had it been English, it must have been given up or paid for, under the fourth article of the additional articles of the treaty of the 30th May, 1814, between that Power and Great Britain. By that article, the parties stipulate to release all property put under sequestration since 1792. If the property of our citizens seized at Antwerp, St. Sebastian, and in Holland, had been what it was, without the shadow of reason, alleged to be, payment would be due for it to English owners. A singular spectacle will be exhibited, if payment is denied when the motive for the seizure is shown to have been false, or should any doctrine of France place the property of a neutral in a worse situation than if it had belonged, as was suspected, to an enemy. Such doctrine cannot be advanced by France, unless she intends to instruct other Powers, that, in all future wars in which she may be engaged with a formidable rival, it will be more prudent to be her enemy than her friend. Nor can the committee anticipate any grounds upon which a decision unfavorable to the other claims embraced in the other three enumerated classes, can be justly made, resting as they obviously do upon the immutable bases of justice and national law.

A due regard to those relations of amity that have ever united this Government with France, to the stipulations of her treaty with us, to her character for liberal justice to foreign claimants, will doubtless induce the Government of that country to adjust those claims whenever they are fairly considered.

Under the hope and expectation that attention will be given to this interesting subject by France, prior to the next session of Congress, the committee, without asking to be discharged from the further consideration of the several petitions referred to them, recommend to the House the following resolution:

Resolved, That the President of the United States be requested to lay before the House, at the next session, as early as the public interest will permit, the correspondence which may be held with the Government of France, prior to that time, on the subject of injuries sustained by citizens of the United States since the year 1806.

TRADE WITH MEXICAN PROVINCES.

The following Messages were received from the President of the United States, viz:

FIRST.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 13th instant, requesting the President to communicate any information he may possess, in relation to the intercourse and trade now carried on between the people of the United States (and, particularly, the people of the State of Missouri) and the Mexican provinces; how and by what route that trade or intercourse is carried on; in what it consists, the distances, &c.; the nations of Indians through which it passes; their dispositions, whether pacific or otherwise; the advantages resulting, or likely to result from that trade or intercourse; I herewith transmit a communication from the Department of State, which contains all the information which has yet been collected in relation to those subjects.

JAMES MONROE.

May 24, 1824.

The said Message was read, and laid upon the table. The communication is as follows:

Washington City, *April* 27, 1824.

Sir: Permit me, through you, to communicate to his Excellency the President of the United States, the following ideas; from which, if circumstances would allow of their going into operation, much good might, perhaps, result to the young and enterprising of the West, as well as to the nation generally. I mean the interposition of the General Government for the protection of an intercourse between the citizens of the United States and the inhabitants of the northern and eastern parts of Mexico. This intercourse has been, on a small scale, attempted by a few brave and enterprising men from the State of Missouri, but with much risk of lives and property. The latter, they have frequently been robbed of by the Indians. These evils can only be prevented by means of a negotiation, to be opened by the General Government, with the Indians, through which the route would pass, from a favorable point on the Missouri river to Santa Fe. The Indians should be made responsible for depredations committed on citizens of the United States, as on citizens of the Republic of Mexico visiting the United States.

The benefits which would result from a safe intercourse between the United States and those parts of Mexico, it might be considered presumption in me to comment on. Its many important advantages will be obvious to the judgment of those much more capable of doing justice to the subject than myself. I will therefore submit it with the following few remarks:

1st. A safe intercourse between the citizens of this Government and the northern and eastern parts of the Mexican dominions, will awaken the inhabitants of the latter to the blessings of a republican system of Government; blessings which the American people wish all nations to enjoy, and the value of which will be more deeply impressed on the minds of strangers by an experimental knowledge of our enjoyments.

2dly. Many advantages will flow from the commerce to which the establishment of a safe intercourse will naturally lead; and many of the productions and manufactures of our country will be exchanged for silver, mules, horses, and other articles, in demand with us.

3dly. The establishment and protection of safe intercourse would not only essentially benefit the people of the two Governments, but would be attended with a beneficial result as it relates to the Indian nations, through which the communication would pass, and those bordering on them. Some of these nations yet know little of the American character. The most effectual mode of maintaining friendship with the Indians, is to impress them with a deep sense of your superiority. This, when judiciously attended to, does not require a great expense; and the saving of much blood will unquestionably result from a timely interposition on the part of the Government.

4thly. A portion of the Western people have been in the habit of hunting and trapping for a living; should the privilege be denied them of following their pursuits in the Indian country, they will seek other employments. All cannot be engaged in the Indian trade, and some will extend their enterprises into the Mexican dominions. These, if not protected by Government, they will hazard at their own risk; difficulties with the Indians will inevitably follow; and a train of mischievous consequences can alone be prevented by laying of the foundation, on the part of the General Government, of a proper understanding with them.

5thly. The city of Mexico is situated at so great a distance from the northern and eastern limits of the Republic, that a safe and harmonious intercourse cannot be opened and maintained without the establishment of an agency at Santa Fe, in strict subordination to the Government at Washington, and the American Minister at Mexico.

Such an agent would have much in his power towards producing and maintaining the proper friendly understanding between the American people and the citizens of Mexico, as well as with the numerous Indian nations. This agent would be extremely useful to the Government, in keeping a constant communication of the state of affairs in that section of the country with the Government at home, as well as with the American Minister at the city of Mexico. Such an agent ought to have the charge, in a certain degree, of the Indians bordering on the Mexican Republic.

6thly. The route in contemplation would pass through a healthy country, and would be attended with many facilities, too numerous at present to detail. Those who would not have the means of visiting Mexico in a more expensive mode, could pursue this route, with little comparative cost.

The establishment, the encouragement, and the protection of this intercourse will be, I have no doubt, cheerfully met on the part of the Mexican Government; and, with the means thus afforded them, the day will rapidly approach when the people of that country will become genuine, orderly, and patriotic republicans.

Respectfully, I have the honor to be, &c.

A. McNAIR.

Hon. J. Q. Adams, *Sec'ry of State.*

SECOND.

To the House of Representatives of the United States:

In compliance with a resolution of the 20th instant, I transmit, herewith, to the House of Representatives,

a report of David Shriver, Superintendent of the Cumberland Road, stating the manner in which the appropriation made at the last session for the repair of that road has been expended, and also the present condition of the road.

JAMES MONROE.

MAY 24, 1824.

The Message was read, and laid upon the table.

FIVE MILLIONS NEW STOCK.

On motion of Mr. McLANE, the House went into Committee of the Whole, (Mr. CONDICT in the Chair,) on the bill "to authorize the Secretary 'of the Treasury to exchange a stock bearing an 'interest of five per cent. for certain stock bearing 'an interest of six per cent."

Mr. McLANE moved to amend the first section of the bill by inserting the following:

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to borrow, on or before the 1st day of April next, on the credit of the United States, a sum not exceeding five millions of dollars, at a rate of interest payable quarter yearly, not exceeding four and a half per centum per annum, and reimbursable at the pleasure of the Government, at any time after the 31st day of December, 1831, to be applied, in addition to the moneys which may be in the Treasury at the time of borrowing the same—to pay off and discharge such parts of the six per cent. stock of the United States of the year 1812, as may be redeemable after the 1st day of January next.

SEC. 2. *And be it further enacted,* That it shall be lawful for the Bank of the United States to lend the said sum, or any part thereof: and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of the stock signed by the Register of the Treasury, or by the Commissioner of Loans for the whole or for any part thereof, bearing an interest not exceeding four and a half per centum per annum, transferrable and redeemable as aforesaid, and to cause the said certificates of stock to be sold: *Provided,* That no stock be sold under par.

Mr. McLANE prefaced this motion by a statement, in explanation, of considerable length.

This amendment was agreed to, and the other parts of the bill were correspondingly altered; when the bill and amendments were reported to the House.

Mr. F. JOHNSON opposed the passage of this bill, not believing it necessary to borrow at present; as there was a considerable balance in the Treasury, and by an estimate of the gentleman from New York, (Mr. CAMBRELENG,) the operation of the tariff will increase it three millions. He went into a calculation to show the balance of revenue would increase every year; and that this country would lose, instead of gaining by postponing the debt at a reduced rate of interest—and he moved to postpone the further consideration of the bill till the 1st day of April next, (which amounts to an indefinite postponement.)

Mr. CAMBRELENG, of New York, had not intended to rise on this question, but deemed it necessary to reply to the gentleman from Kentucky, (Mr. F. JOHNSON,) who had referred to his revenue estimates, and to the fate of a former stock exchange bill. That gentleman had very much misunderstood him. He had never been so absurd as to circulate that a tariff, which would go into operation on the 30th of June and 1st of January next, levying additional duties, payable at distant periods in 1825, could contribute directly to the revenue of 1824, whatever might be the effect of anticipated importations. Considering that bill as it actually passed, as a revenue measure—and an unnecessary one, too—he had presumed that, when in operation, it would augment the annual receipts. We are not now making any distant calculations—the period is near at hand. The first proposition in the bill, is to convert that portion of the six per cent. payable on the 1st January next, which we may not have the means to redeem, into a stock bearing an interest of four and a half per cent. or less. It is presumed that, after redeeming $8,600,000, in seven per cents, authorized during the present year, and estimating the revenue of 1824 above the Treasury estimate, which can now be safely done, there will be, on the 1st of January next, including the usual amount of the unexpended appropriations, about five millions applicable to the redemption of the debt due on that day. The object of the bill is to enable the Government to reduce the interest on the amount unredeemed. The second proposition is, to renew, at a diminished rate of interest, that portion of the sixes falling due on the 1st of January, 1826, which we shall not be able to redeem. With regard to the period of the final redemption of the public debt, Mr. C.'s calculation corresponded, in its result, with that of the gentleman from Delaware, (Mr. McLANE.) Assuming a revenue of twenty millions—*less* than the actual revenue for two years past—and a permanent expenditure of ten millions—*more* than the annual expenditure during the same term—ten millions, at least, would remain annually applicable to the payment of the interest and the redemption of the public debt. With such a revenue, and such an expenditure, without estimating the increase of revenue under the new tariff, the public debt would be extinguished in 1835. Such calculations are, however, always to be considered as hypothetical, being founded on an anticipation of continued peace.

The gentleman from Kentucky is mistaken in supposing that the stock which we had proposed to exchange in 1822, is the identical stock we are now about to pay off. From 1825 to '28, sixty-five millions become payable—that bill contemplated exchanging only a part, leaving about thirty millions to be redeemed with the revenue anticipated. With regard to the failure of that negotiation, it was owing entirely to our delay in adopting the measure. Before proposals could be issued a reaction had occurred in the money market, which rendered the negotiation impracticable, except for a small amount. In that case, too, it was at the option of the creditor to accede or not to our proposals; the stock was not then redeemable. The bill before us contemplates a negotiation at and near the period of redemption, and of a different character. From the fate of that measure, however, we may draw an argument against postponing the bill under consideration. The rate of interest is low—much below our former anticipations; a second reaction may happen, and in that event Government will be compelled to negotiate a loan on less favorable terms, or continue to pay six per cent.

If we are to found our calculations on the rate of interest in England, there would not now appear to be the same danger of reaction. The moneyed and stock operations of that great banking house of nations, seem to regulate the affairs of the commercial world; and they have undoubtedly an influence on interest even in this country. Nevertheless, the period is favorable for reducing the rate of interest on our unredeemed stocks; there is no probability of our gaining any thing by delay, and we may lose—he hoped we should adopt the measure in season.

Mr. **McLane** again rose, and further extended the explanation he had before given. He submitted a calculation to the Committee.

Mr. F. **Johnson** spoke in reply, and insisted that the view presented by the gentleman from Delaware was fallacious. He went into an extensive argument in support of the ground he had taken, and referred to various statements and calculations to show, that the Treasury did not need the proposed loan in order to pay off the public debt, and that the nation would be a loser by the pretended saving in the rate of interest.

Mr. P. P. **Barbour**, in reply, advocated the plan proposed by the Committee of Ways and Means, and reduced the calculations to a simple form, which he presented in a few words, and appealed to the common sense of the House, whether it was not better to pay 4½ per cent. interest, on an unpaid debt, than 6 per cent.

Mr. **Cambreleng** rejoined in a few remarks, and was followed by Mr. **McDuffie**, who defended the policy of the plan provided for in the bill.

The question on postponing the further consideration was then put, and decided in the negative —ayes 36, noes 102.

The bill and amendments were then ordered to be engrossed for a third reading.

REGULATION OF STEAM VESSELS.

On motion of Mr. **Tomlinson**, the House went into Committee of the Whole, on the bill "for the regulation of steamboats, and for the security of passengers therein."

On this bill a discussion arose, in which Mr. **Tomlinson** advocated its passage, Mr. **Dwight** proposed an amendment, and Mr. **Wickliffe** urged its postponement till the next session. [The bill proposes to lessen the danger of high pressure steam engines by adding to that safety-valve which is in the control of the engineer, another, to be in the exclusive possession of the captain of the boat, and which shall be loaded with no more than a prescribed weight, viz: one-third of the pressure by which the boiler has been proved, or one-sixth of that which it is capable of sustaining.] Mr. **Ingham** objected to restricting low pressure engines to a pressure of seven pounds to a square inch, adverted to the vast amount of property now invested in high pressure engines, and hoped that, with the exception of so much as provides that notice be given to passengers whether the engine of any steamboat is of the high or of the low pressure construction, the bill would be postponed till next session.

Mr. **Poinsett** replied, and explained the facts in relation to low pressure engines, and insisted that no injury could result to the holders of high pressure engines in consequence of this law.

Mr. **Wickliffe** thought the House was not prepared in its present state of information to legislate on a subject so extensive and important in its effects—and went into a series of remarks in support of this position.

Mr. **Livermore** moved to strike out all of the bill excepting the fourth section.

Mr. **Poinsett** explained the facility of adding a safety-valve.

Mr. **Dwight** observed, that, from the words of the bill, it could have no effect till the next day of issuing licenses, which will not occur till April next, and in the mean while Congress would hold another session—he moved that the Committee rise; but, again withdrawing the motion, the discussion was farther prosecuted by Messrs. **Livingston** and **Dwight**. The Committee then rose and reported the bill, and on the question of leave to sit again,

Mr. **Livingston** insisted on the views he had before expressed, and earnestly advocated the passage of the bill. Leave was refused to the Committee to sit again.

When it was agreed to have a recess till five o'clock.

FIVE O'CLOCK, P. M.

A message from the Senate informed the House that the Senate have passed a joint "resolution providing a place of deposite for the Portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State," in which they ask the concurrence of the House.

The resolution was read twice, and ordered to be read a third time to-morrow.

Mr. **Conway**, from the select committee to which was referred the bill from the Senate, entitled "An act to fix the western boundary line of the Territory of Arkansas, and for other purposes," reported the same without amendment, and the bill was committed to a Committee of the Whole.

On motion of Mr. **Brent**, the House took up the bill "supplementary to an act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river."

The blank was filled with two hundred dollars, and then the bill was ordered to a third reading.

On motion of Mr. **Taylor**, the execution of the resolution of this House, directing the disposition and removal of the building south of the Capitol, now used for committee rooms, was suspended until after the next session of Congress.

Engrossed bills of the following titles, viz:

An act concerning wrecks on the coast of Florida; An act supplementary to "An act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river;" were severally read the third time, and passed.

On the bill concerning wrecks on the coast of Florida, some debate arose. It was contended, in defence of the bill, that when American property, wrecked on that coast, was saved by the Providence wreckers, not only a high salvage was paid to foreigners, but the goods, being taken into Providence, paid high duties to the British Government, and the result usually was, that nearly the whole of the property was lost.

On the other hand, it was insisted that this consideration was as nothing in comparison to affording to vessels and crews in distress the aid now derived from those wreckers.

It was rejoined that, if the British wreckers were driven off by the operation of the act, their places would immediately be filled with our own citizens, all the foreign duties would be saved, and some chance enjoyed of getting the property saved.

The bill was passed by a large majority.

A bill from the Senate, entitled "An act supplementary to the several acts providing for ascertaing and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts," was read a third time, and passed.

The further consideration of the bill "to regulate steamboats, and provide for the safety of passengers therein," was postponed till the first Monday of November next—ayes 67, noes 47.

The following bills were ordered to a third reading:

A bill authorizing repayment for land erroneously sold by the United States; and a bill to authorize the Legislature of the State of Ohio to sell and convey certain tracts of land granted to said State for the use of the people thereof.

The engrossed bill granting to the corporation of Tuscaloosa certain lots and privileges over the reservations and commons in said town, was read a third time, passed, and sent to the Senate for concurrence.

TUESDAY, May 25.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the amendments proposed by the Senate to the bill, entitled "An act for the relief of George Fisher," reported their agreement thereto.—The amendments were read at the Clerk's table, and concurred in by the House.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act in further addition to 'An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," reported the same without amendment; and it was committed to a Committee of the Whole.

Mr. HARVEY, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the coast of Florida, and for other purposes," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Nimrod Farrow and Richard Harris," made a report thereon, recommending an amendment to said bill; and the bill was committed to a Committee of the Whole.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act explanatory of an act confirming claims to lots in the town of Mobile," reported the same without amendment; it was then, on motion, postponed indefinitely.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act to extinguish Indian claims to lands within the State of Missouri," reported the same with amendments; and the bill was committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act to complete the survey of the southern and western boundary of the State of Missouri," reported the same without amendment; and it was committed to a Committee of the whole House to-day.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act explanatory of an act, entitled 'An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," approved on the 13th day of May, 1824," reported the same without amendment.

Mr. COOK then moved to amend the said bill by adding an additional section thereto; when the bill was ordered to be laid upon the table.

Mr. COCKE, from the Committee on Indian Afiairs, who were instructed by resolution, adopted on the 26th of March last, to make certain inquiries, therein specified, in relation to the late system of trade with the Indian tribes, made a report; which was laid upon the table.

On motion of Mr. LIVERMORE, it was

Resolved, That there be allowed to the Postmaster of this House, for his prompt and faithful services as such, an extra compensation of one hundred dollars, in addition to what was allowed him at the end of the last session of Congress, making an extra allowance of three hundred dollars, to be paid by the Clerk, out of the contingent fund.

On motion of Mr. NEALE, the Clerk was directed to procure, and cause to be deposited in his office, fifty copies of the laws, &c., of Congress in relation to the District of Columbia, as compiled by Samuel Burch.

Mr. COCKE wished further time to inquire, before passing this resolution.

Messrs. NEALE and KENT explained the facts, and supported the resolution. A debate of considerable spirit then arose between Messrs. Livermore and Wood; and Mr. Cocke moved to lay the resolution on the table. Negatived—ayes 51, noes 59.

After further observations from Mr. Neale, Mr. Livermore moved to refer the resolution to the Committee on the Library.—Negatived.

Mr. Sharpe advocated the adoption of the resolution, and, having been modified so as to read "fifty copies," it was adopted.

On motion of Mr. Herrick,

Resolved, That so much of a resolution, passed by this House on the 23d day of December last, as contains the following words, viz: "And the amount of postage which accrued on each route, after deducting the compensation of postmasters and incidental expenses, for one year next preceding the first day of April last," be, and the same is hereby, rescinded.

The resolution submitted by Mr. Cambreleng, yesterday, was taken up, read, and agreed to by the House.

On motion of Mr. Strong, the Secretary of State was directed to report, at the next session of Congress, his opinion upon the claim of Pelatiah Fitch, of the State of New York, which was referred to him by order of this House of the 9th day of January, 1822.

Mr. Stewart laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to report to this House, at the next session of Congress, the amount of losses sustained during the last eight years upon bonds given for the duties upon imports, distinguishing the amount in each year; and to state whether any, and if any, what measures should be adopted by Congress, to prevent similar losses in future; and also, what effect the total repeal, or a limitation, of the credits now given for said duties would, in his opinion, have upon the revenue.

The joint resolution from the Senate, providing a place of deposite for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State, was read the third time and passed.

Mr. Condict submitted the following joint resolution, viz:

1. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be instructed to institute, with all convenient despatch, an inquiry into the causes of those fatal disasters which have so frequently occurred on board steamboats navigating the waters of the United States, and that he be authorized to call to his aid the knowledge and experience of such engineers and skilful men, as he may deem competent and best qualified to decide.

2. *Resolved*, That the said Secretary be, and he is hereby, empowered, after such advisement, to prescribe and publish such rules and regulations for constructing the apparatus of vessels propelled by fire or steam, the mode of regulating the power, the materials composing the boilers, with all other regulations, which, from time to time, he may deem necessary and proper, to afford the best security to the lives of passengers and crews.

3 *Resolved*, That, from and after the —— day of ——, it shall be the duty of the Secretary of the Treasury to withhold a license from any vessel propelled by fire or steam, until satisfactory proof be made that the owner or commander thereof has, in all respects, conformed to the rules and regulations prescribed for such vessels, and any license granted thereafter shall be considered null and void, on failure of the owner or commander to comply with the terms.

4. *Resolved*, That it shall be the duty of the Secretary of the Treasury to report his proceedings hereon, at an early period of the next session.

The resolution was read, and the question was put, Will the House now proceed to consider the same? And was determined in the negative.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles viz: An act supplementary to an act, approved the 3d March, 1819, entitled "An act providing for the correction of errors, in making entries of land in the land offices;" An act changing the mode of surveying the public lands on any river, bayou, lake, or water course, in the State of Mississippi and Territory of Arkansas; An act for the relief of John Mitchell; An act to authorize the masters of vessels, in certain cases, to clear out, either at the custom-house of Petersburg, or that of Richmond; An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed 15th May, 1820, with amendments to each; in which they ask the concurrence of this House.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of Alexander Scott, late collector of Pensacola;" which was reported without amendment, and ordered to be read a third time now. It was accordingly read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Government of France and Spain;" which was reported without amendment, and laid on the table.

The amendments proposed by the Senate to the bill, entitled "An act to authorize the masters of vessels in certain cases, to clear out, either at the custom-house of Petersburgh or that of Richmond, were read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act for the relief of John Mitchell," were read and referred to the Committee of Claims.

The amendments proposed by the Senate to the bill, entitled "An act changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the State of Mississippi and Territory of Arkansas," were read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act supplementary to an act, approved the 3d March, 1819, entitled 'An act providing for the correction of errors in mkaing entries of land in the land offices," were read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed 15th May, 1820," were read and referred to the Committee for the District of Columbia.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of Samuel White;" which was reported without amendment, and the bill read a third time and passed.

The House again went into Committee of the Whole on the bill for the relief of persons suffering losses in the Seminole war.

The amendments before under consideration were adopted. The bill was then reported to the House, and ordered to a third reading tomorrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of John H. Howland, of New York;" which was reported without amendment, and read a third time and passed.

On motion of Mr. HOUSTON, the House went into Committee of the Whole, on the bill explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians," passed the 14th May, 1822.

Mr. RICH explained the purposes of the bill, and offered an amendment, extending the provisions of the act to field officers, and to horses slain in battle. The amendment was supported by Mr. McCOY and Mr. ISACKS, and adopted.

Mr. COBB moved a further amendment, extending the relief proposed by the bill, to wagoners, whose horses were impressed. On this amendment a debate of some extent arose, which was suspended, that the report which follows might be received. The Committee then rose, and had leave to sit again.

REPORT ON THE ADDRESS OF NINIAN EDWARDS.

Mr. LIVINGSTON, from the committee appointed on the 19th of April ultimo, on an address or memorial of Ninian Edwards, preferring certain charges against the Secretary of the Treasury, made a report; which was read. The report is as follows:

The select committee, to which was referred the memorial, or address, of Ninian Edwards, report: That, immediately on their appointment, as the House has already been informed, they communicated a copy of this address to the Secretary of the Treasury; and they also ordered the attendance of Mr. Edwards to be examined before them, as a witness, touching the various charges in the memorial. For, although, in that address, he refers to papers and documents, accessible to the committee without his presence, as the main supports of his charges, yet the committee were of opinion that these charges were not such as should be either lightly made, or superficially examined; and that it ought not to content itself with any investigation short of one in which the accuser should have an opportunity of being personally present, the better to sustain the charges, if they were capable of being sustained, or to bear the proper responsibility, if, failing to sustain them, he should appear to have brought them forward, in a form thus positive and imposing, from personal and improper motives, or upon frivolous pretexts. And the committee is still of opinion that this investigation ought not to be finally closed, without the personal examination of Mr. Edwards; and, in proceeding to make any report on the subject, at the present time, and before such an examination is had, the committee acts only from the necessity imposed upon it, by the approaching close of the session, and by a sense of duty which dictates that it ought not to postpone, to a distant day, all communication to the House on a subject so interesting to the Government, and so nearly affecting the honor and integrity of one of its highest officers.

Under the influence of these motives, the committee makes this report, as the result of its examination of the papers referred to in the address, and such other proofs as the committee could command. Whatsoever is here said, therefore, must be received with the qualification, that, although the committee do not know that Mr. Edwards, if present, could communicate any fact likely to be important, they do not know, on the other hand, that he might not do so; and he has had no opportunity to be examined, or to give any reply to the answer of the Secretary, which the committee has received, and which has already been printed, by order of the House.

The address contains two general charges against the Secretary; one, of mismanaging the public funds, under which various illegal transactions are alleged, in reference to the deposite of the public moneys in certain banks, and the mode in which such moneys were allowed, afterwards, to be repaid; the other, imputing to the Secretary the suppression of papers and documents, or failing to communicate them, when they ought to have been communicated, in answer to resolutions of the Houses of Congress.

The committee has given its attention to each of these divisions of charge.

And, first, as to the conduct of the Treasury Department, in regard to the deposites of the public moneys in the banks, and the manner in which such banks were allowed to repay to the Treasury the balances of such deposites.

By the resolution of Congress of April 30th, 1816, it is declared "That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing, or becoming payable, to the United States, to be collected and paid in the legal currency of the United States or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in the notes of banks which are payable and paid, on demand, in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing, or becoming payable, to the United States, as aforesaid, ought to be collected or received, otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid, on demand, in the said legal currency of the United States."

At the time of the adoption of this resolution, debts accruing to the United States, whether on account of the sales of public lands, or at the custom-house, or from other sources of revenue, were, in fact, received, in some parts of the country, but evidently in disregard of the law, in the notes of the State banks which did not redeem their paper by cash payments. By this resolution, it was obviously made the duty of the Treasurer to correct that departure from law, as soon as practicable; and it was, as is equally obvious, imperative on the Department, after the 20th February, 1817, to allow nothing to be received in payment of debts due to the United States, but the legal money of the United States, Treasury notes, notes of the Bank of the United States, or of those State banks the notes of which were payable and paid, on demand, in cash.

The Bank of the United States was incorporated in April, 1816, and went into operation at the commencement of the next year. By the act of incorporation it is provided and declared, "that the deposites of the money of the United States, in places in which the said bank and the branches thereof may be established, shall be made in said bank and branches thereof, unless the Secretary of the Treasury shall, at any time, otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

The present Secretary of the Treasury was appointed to that office in October, 1816.

In the early part of the year 1817, it is represented by the Secretary, and it appears to be true, that an arrangement was made with the Bank of the United States, by which the public funds were to be deposited in the branches of that institution, in all places where such branches existed; and where there were no such branches, that bank was to designate certain State banks for which it would be responsible, and in which such public moneys should be deposited; and notes of all banks which the Bank of the United States would receive in deposite as cash, and none other, were to be received on sales of the public lands.

It is further represented, that, in the execution of this arrangement, difficulties and controversies arose between the Bank of the United States and the State banks thus employed in receiving the deposites of the public moneys; and, ere long, the Bank of the United States signified to the Department of the Treasury that it could not continue such arrangement; and that, thenceforward, it could receive nothing in deposite, as cash, but the legal currency of the country for its own notes. The agreement with the Bank of the United States terminated, for these reasons, on the 30th June, 1818.

It would appear that many of the State banks which had, in 1817, resumed specie payments soon after this period, that is to say in the latter part of 1818, discontinued such payments; and that the debt due to the United States, on account of the sales of the public land, had very greatly increased; amounting, in the early part of 1819, to not less than $18,000,000. The public expenditure in the Western States was not such as to require, within those States, the disbursement of the money received on account of this debt; but much the larger part was to be remitted, either to the Seat of Government, or to other places in the Atlantic States.

About this period, also, the Bank of the United States issued orders prohibiting its Western branches from issuing any of their own notes for circulation, even in exchange for, or on deposite of, specie.

Under these circumstances, the Secretary of the Treasury appears to have entered into arrangements with some of the local or State banks, generally those which had acted as agents of the Bank of the United States, for the purpose of employing them as depositories of the public money, and in the transfer of such money, when required, to places where it might be wanted in the course of Government disbursements.

Among the earliest of these, was that proposed to the Bank of Missouri, by letters from the Secretary, of the 1st and the 11th of July, 1818, immediately after the termination of the agreement before mentioned with the Bank of the United States; which letters, indeed, have the form of circulars to all the banks in which the public moneys were at that time deposited, that is to say, the banks which have been employed by the Bank of the United States, during the continuance of its arrangement before mentioned, with the Treasury. The Bank of Missouri was one of these. It was now informed that, since that agreement had come to an end on the 30th of June, all sums deposited in the Bank of Missouri after that time, must be subject to the drafts of the Treasury, and would be drawn for, as occasion should require, in the following manner, viz: if in favor of individuals, drafts to be paid at sight; if in favor of the Bank of the United States, in sixty days; drafts of the latter description to be so made that the money should be drawn out and transferred gradually, and not *en masse*. The reason of this distinction between drafts to individuals and drafts to the Bank of the United States, appears to be, that drafts in favor of individuals, being probably intended for funds to be expended in the neighborhood of the bank, would be ordinarily paid in the notes of the bank itself, or other similar paper; but that those in favor of the Bank of the United States would be such as required payment in specie, or in United States' Bank bills, or transfers of credit to its branches; operations which might reasonably require time. On the 1st of August, the Bank of Missouri signified its acceptance of the conditions of this proposition.

On the 21st of December, 1818, the Secretary, by letter, addressed to the President of the Bank of Edwardsville, signified his disposition to employ that bank also in receiving the deposites of the public moneys; and, on the 1st of February following, that bank assented to the terms. A similar arrangement was made, nearly at the same time, with the Bank of Illinois, the Bank of Huntsville, and the Tombigbee Bank.

Shortly after the date of these transactions, however, a more general system of employing State banks, for the purposes before mentioned, was adopted, and conditions more precise, and which were thought more favorable to the banks, were proposed. The leading feature in this new proposition was, that, as an inducement to undertake the engagement, it was agreed, on the part of the Treasury, to allow to the bank a permanent deposite of a stipulated sum, not liable to be drawn out or diminished, except in a specified case. The use of this deposite was to be the equivalent for the responsibility of receiving and keeping the funds, and the expense of transferring them, without further charge on the Treasury, to such places as might be agreed on, or required.

Arrangements of this nature were made with the Bank of Steubenville, Bank of Chillicothe, Franklin

Bank of Columbus, Farmers and Mechanics' Bank of Indiana, Bank of Illinois at Shawneetown, Branch Bank of Kentucky at Louisville, Bank of Tombigbee at Saint Stephen's, Planters and Merchants' Bank of Huntsville, Bank of Missouri, Bank of Edwardsville, and Farmers and Mechanics' Bank of Cincinnati.

The terms, in general, agreed to between the Treasury and these several banks, were, in substance—

1st. That the bank should receive, in deposite, to the credit of the Treasury as cash, from the receivers of public moneys, all current notes of such banks as maintain cash payments; with power, however, to discontinue to receive the notes of any particular bank on giving seasonable notice of such intention to the Receiver.

2d. That the bank should pay, at sight, all drafts from the Treasury; and should also transfer, on request, all sums on hand beyond the amount of the stipulated permanent deposite, to the Bank of the United States, or certain enumerated branches of that bank; and that a fixed sum should remain in the bank, as before mentioned, as a permanent deposite, to be transferred, however, to the Bank of the United States, in six months after the termination of the agreement.

3d. That, if the money were wanted for disbursement in the neighborhood of the banks, it might be drawn for, at sight, notwithstanding such drafts might reduce the permanent deposite below the stipulated sum.

The amount of this permanent deposite was to be increased, if it should appear that the bank should receive and transfer such large sums as that the expense thereof should not be considered as compensated by the benefit of the deposite which had been stipulated. It was also prescribed, that the bank should render to the Secretary of the Treasury, and to the Treasurer, duplicate monthly returns of its accounts with the Treasurer; and to the Secretary, confidential monthly returns of the state of its own affairs; showing, also, the credits of all public officers in the bank; and also quarterly lists, or returns, of all its debtors; to the end that the Secretary of the Treasury might determine on the propriety of continuing the public deposite in such bank.

Such was the general nature of the arrangements as they were adopted and entered into with the banks. There were, however, variations in some other particulars. In the Bank of Steubenville, for instance, the public money in the bank, or due from it at the time of the arrangement, was declared not to fall within the arrangement: in other instances, nothing is said of such balances; and, in others again, it was declared that they should be embraced by the agreement.

The following table shows the amount of the permanent deposite allowed to each bank, repectively, as the equivalent for the services rendered, or expected to be rendered, by it to the Treasury:

Bank of Steubenville - - - - -	$50,000
Bank of Chillicothe - - - - -	100 000
Franklin Bank of Columbus - - -	20,000
Farmers and Mechanics' Bank of Indiana -	40,000
Bank of Illinois at Shawneetown - -	50,000
Branch Bank of Kentucky at Louisville -	100,000
Bank of Tombigbee at St. Stephen's - -	100,000
Planters and Merchants' Bank of Huntsville	75,000
Bank of Missouri - - - - -	150,000
Bank of Vincennes - - - - -	75,000
Bank of Edwardsville - - - -	40,000
Farmers and Mechanics' Bank of Cincinnati	100,000

The amount of these permanent deposites is nine hundred thousand dollars, the interest on which sum, at six per centum, would be fifty-four thousand dollars.

It is alleged in the memorial, that this sum of fifty-four thousand dollars was thus annually paid for receiving and transmitting the public money; a service which, it is said, the Bank of the United States was bound to perform without any compensation. The committee does not see the ground of this obligation on the Bank of the United States. That institution is, indeed, bound to give necessary facilities for transferring the public funds from place to place, but this can only mean cash funds; and it is bound, also, to receive money in deposite for the United States; but it is not bound to receive in deposite, as cash, the bills of any banks whatever but its own, although they may come within the provisions of the resolution of 1816. The committee does not perceive any thing in the principle of these arrangements with the banks, either in violation of law, or contrary to the usage of the Government; since the Treasury has, for many years, had agreements with more or less of the banks, by which the public moneys were deposited in such banks, and drawn from them when wanted; certain terms and conditions, as to the mode of drawing, being stipulated, such as were thought beneficial, both to the Treasury and the banks. Indeed, it may be proper to observe here, that it seems to have been assumed, by different officers at the head of the Treasury Department, that it was their duty to direct its operations to the support of different moneyed institutions whenever their affairs required support, so as to defeat combinations against them, and preserve an equilibrium of credit among them. And the practice appears to be in conformity with this principle from a very early day. That benefit may occasionally result, and has resulted from such operations, is evident; but this is no legal employment of public funds. It is nothing but a gratuitous loan. The existence of the practice, however, as well as the avowal of the principle by different officers at the head of the Treasury, will be found by referring to a letter from the Secretary of the Treasury to the President of the Senate, of the 25th February, 1823, in answer to a resolution of that body. Such, however, was not either the object, or the character, of the agreements with the State Banks, which are the subjects of this examination.

On the 1st of August, 1820, the Treasury issued circular instructions to the Receivers of Public Moneys, authorizing them to receive, in addition to specie and bills of the Bank of the United States and its branches, notes of the incorporated banks in Boston, New York, Philadelphia, Baltimore, and Richmond, and in the States of South Carolina and Georgia, (except the City Bank of Baltimore,) and of those specie-paying banks in the State in which the Land Office is situated. "This instruction," it is added, "supersedes those which have heretofore been given on the subject, except in so far as they prohibit the receipt of the paper of any bank which does not discharge its notes, on demand, in specie; and that prohibition must, in every case, be rigidly adhered to"

Among the banks with which these negotiations were made, the attention of the committee was called, particularly, to the Farmers and Mechanics' Bank of Cincinnati, the Bank of Chillicothe, and the branch of the State Bank of Kentucky, at Louisville, as forming the subject of a charge that does not apply to the others. In the several places where these banks were situated, the Bank of the United States had offices of discount and deposite, and the law incorporating that institution, as has been before observed, creates an obligation on the Treasury of the United States to use them as places of deposite, in preference to any other banks, unless the Secretary shall, for special reasons, otherwise direct; and, in that case, such reasons shall be laid before Congress at its then, or next session. The charge is, that no such communication was made to Congress. This omission is acknowledged by the Secretary, who says it was owing to inadvertence, and that the inattention to the provision of the law was unimportant, inasmuch as the provision was intended, obviously, for the benefit of the bank; and the bank had full notice. The notoriety of the fact is also relied on, to show that no improper conduct, or desire to conceal it, produced the omission.

The committee sees no reason to doubt this statement, or to attribute any improper motive to the Secretary, in this inattention to the directions of the act.

The charges relative to the Bank of Missouri are, in substance,

That this bank was unworthy of credit at the time the deposites of public moneys were suffered to accumulate in it to a large and improper amount:

That the permanent deposite allowed it was illegal, and unreasonably large:

That those returns and statements of its affairs, which the Secretary had himself considered essential, were not exacted:

And, finally, that, in payment of its debt, a large amount of uncurrent notes was received, some of them not worth twenty-five cents in the dollar, contrary to the positive injunctions of the resolution of 1816.

The committee thinks it very probable that the Bank of Missouri did make an improper, perhaps an excessive, issue of its paper; although the mode adopted in the address, of estimating that excess, appears not altogether correct, as it omits to mention the permanent deposite of the Government in calculating the fund on which the emission might be made. If the capital of the bank were, as is stated, $210,000, and its permanent deposite from Government $150,000, supposing it to have no other deposites, a discount to the extent of $430,000 would not have been alarmingly excessive, supposing the loans to have been limited to safe hands, and that punctuality of payment might have been expected. It is probable that a failure in this latter respect was the immediate cause of the bank suspending its payments.

The sum of $726,000, which appears, at one time, to have been in this bank, was certainly a very large sum to have been suffered to remain in a country bank; but, whether it was a greater accumulation than ought to have been allowed, is a question that depends on many considerations, chiefly on that of the solidity of the institution, which itself again depended on the solvency of its debtors. Of this the committee has no other evidence than that arising from the report of the committee of the Legislature of Missouri, appointed to examine the affairs of the bank, who declare that the debts due on personal security, as well as those secured by mortgage, are safe. If this were well founded, the bank, even at the time it stopped payment, had, in those two items alone, more than enough to pay all it owed.

What information, to put the Secretary on his guard, would have been derived from the monthly returns, the committee cannot determine. They appear to have been furnished only up to the 1st of February, 1820. Nor has the committee observed any demand made by the Secretary for a compliance with this stipulation, at any time between that date and the time the bank stopped payment. Whether, however, if it had been demanded and complied with, any different result, favorable to the United States, would have been produced, it seems impossible to determine, because, judging from the last and most unfavorable return, made immediately previous to the stoppage of the bank, nothing in those returns would have appeared to indicate any danger.

A more important part of the charge is, that the Secretary received from this bank, in part payment of its debt, a large amount of uncurrent notes, contrary to law.

By the first arrangement made with the bank, which has been already stated, it was not responsible, as far as the committee can perceive, for the solvency of the banks, the notes of which might have been deposited in it by the public receivers. When the new contract was made, in August, 1819, it did not form any part of that contract, as it did with some of those of the other banks, that the bills already on hand should be at once passed to the credit of the Treasury as cash, as may be seen by a copy of the contract annexed to this report, marked B. So that the important question is, whether those notes were received before or after the 9th of August, 1819, the day on which the bank assented to the new contract. If before, then they are received on account, and at the risk of Government; if after, at the risk of the bank.

The committee think there were sufficient reasons to justify the Secretary in believing them to have been received before the 9th of August, because, by the letter of the bank, of that date, it appears that a much larger sum in notes essentially of the same description, was in possession of the bank: and an offer is therein made to transfer them to various other banks, to the order of the Treasury. And, by the statement marked E, annexed to the address of Mr. Edwards, it appears that, as early as the 6th of September, 1819, a much larger sum, in notes of the description of those thus offered by the bank, had actually been received on account of the Treasury from the several receivers, and were then on hand. On this point the committee also refer to the deposition of Thomas F. Riddick, hereunto annexed, marked F.

The committee think it proper to add, that, of the whole sum received by the Treasury in these notes, from the Bank of Missouri, a sum of about twenty thousand dollars only appears to be unpaid; and of this sum it is stated by the Treasury there are hopes that a considerable part will be secured.

A very large part of the address is occupied with observations on the transactions between the Treasury and the Bank of Edwardsville. This bank was made a depository of public money, at the solicitation of Mr. Edwards himself, in December, 1818. It stopped payment in September, 1821, owing, at that time, a balance to Government of forty-six thousand two hundred and two dollars and forty-three cents.

It is not deemed necessary here to repeat all that is said on that subject, in the address and the answer. The address, in this part of it, seems to have two objects—one to clear Mr. Edwards himself from any imputation on account of having procured the public deposites to be made in the bank originally, and to repel the supposition that he had been the means of continuing them after they became unsafe; the other to charge the Secretary with continuing the deposites after he ought to have been alarmed for their safety, and with receiving uncurrent notes from the bank against law; and also with the negligent omission of proper means to collect the debt due from it to the Government.

It appears to be for this double purpose, that the address alleges that in 1819 its author made a publication, announcing his intention to withdraw from the bank in which he had been a director, and no longer to be considered responsible for its engagements; which publication, as is alleged, was transmitted to the Secretary; that he also advised the Receiver of Public Moneys to withhold the deposites from the bank until he should receive further orders from the Treasury; that the Receiver, thereupon, wrote to the Treasury, enclosing Mr Edwards's publication, and (as he afterwards declared) received a letter from the Secretary, directing him to continue the deposites. The Secretary has said, that no such letter from the Receiver was on file in the Department, and that none of its officers had any recollection of such a letter; and, moreover, that there was no record of any answer. The address, notwithstanding this declaration, aims to prove that such letter was written; and, among other arguments, adduces the fact that there was, about this time, an actual suspension of deposites at the bank; which the address attributes to the caution of the Receiver, under the advice which had been given to him. To this, it is answered by the Secretary that this suspension was owing to the negligence, not the caution, of the Receiver; that the Receiver was directed frequently and repeatedly to continue his deposites, and to make them regularly and punctually—danger then being apprehended, not from the bank, but from the continuance of large sums in the hands of the Receiver.

Without entering into a detail of all the facts connected with this subject, it seems to the committee that there is no doubt that Mr. Edwards did make a publication (paper C) in the newspapers in 1819, as he represents, and that he gave such advice as he represents, to the Receiver. But there is no evidence that the Receiver communicated it, or wrote on the subject of it, to the Secretary. Indeed, it is not very probable he would have done so. It is to be remembered that he was President of the Bank, as well as Receiver of Public Moneys, and he would hardly advise the Secretary that he, as Receiver, could not repose confidence in the Bank, the President and head of which he was.

The committee does not deem it at all material to inquire whether the Secretary received or saw a copy of Mr. Edwards's publication. There is nothing in that communication which should have alarmed him for the safety of the public money in the Edwardsville Bank; for, although Mr. Edwards announces his intention of withdrawing from a participation in the direction of it, he speaks in most decided terms of its solvency and safety. While the committee sees no reason to believe that Mr. Edwards acted with any impropriety in procuring the deposite of the public money in that bank, or in regard to the continuance of such deposite, it perceives, on the other hand, no reason whatever for supposing that the Secretary continued the deposites after being admonished by the Receiver that they were unsafe. On the contrary, the committee thinks the correspondence fully shows that the deposites were omitted (or thought to be so) through negligence and fault; and that, in enforcing and insisting on them, the Secretary was governed by a proper regard for the security of the public funds. The committee, however, would take this occasion to observe that, in their opinion, the appointment of the Presidents of the local banks, in which public moneys are deposited, to be Receivers of the Public Moneys, to be deposited in the same bank, is injudicious; that it has happened in several cases; and that inconvenience or mischief may not be unlikely to result from such a practice.

As to the charge of receiving uncurrent notes from this bank also, contrary to law, the committee thinks that the construction, which appears to have been contended for by the bank, and acquiesced in by the Secretary, of the first article of the arrangement between them, is not the true construction, especially if nothing be regarded but the terms of the contract. The words of the first article are, "that the public moneys shall be entered to the credit of the Treasurer as cash." It would seem impossible that these terms could mean any thing else than that, for the amount of these deposites, the bank should become directly debtor to the United States, and that this debt, thus assumed, should, like others, be legally paid. If this construction, which the committee has given to the contract, be correct, these notes were illegally received.

The Secretary's view of the case appears, however, to have been different. He says the term "cash" was used in opposition to the term "special deposite," and was not intended to subject the bank to the payment of specie for notes which were not convertible into specie; and that it was not understood by either of the parties, that the bank was responsible for the credit of other banks whose notes were deposited in it. The correspondence sufficiently shows that the bank expressed the same opinion, at an early period of the connexion, and long before this case arose. The construction insisted upon was, in effect, that the bank was to receive such bills as the Receivers had lawfully taken, and wished to deposite; and, as these would be of different banks, more or less remote, the bank should, for the compensation which it received, be at the expense of collecting them, so that the proceeds might be transferred, without farther expense or trouble on the part of the Government, to the order of the Treasury; but that, nevertheless, if any such bills became discredited, while in this process of collection, by the failure of the bank which issued them, the loss should fall on the Government.

Although the committee do not agree to the correctness of this construction, yet they see no reason to doubt that the Secretary may have honestly supposed that the banks entered into the arrangement with this understanding of its meaning; nor any ground to believe his conduct, in this respect, to have been governed by any improper motive. It ought to be added, that the Secretary states that one reason for receiving these bills from the Edwardsville Bank was, that he had at that time some reason to apprehend a want of punctuality or good faith on the part of that bank itself.

The case of the Bank of Tombigbee, as it is explained in the Secretary's answer, does not call for any particular observations. It is not unlike that of Edwardsville, except that, in the former case, no loss appears to have occurred. The loss in the case of the Bank of Edwardsville, arising from the receipt of uncurrent notes, will be twenty thousand dollars; unless it should turn out, as the Secretary says he is assured it will, that the notes will yet be paid.

The committee has requested of the Department to be informed of the present amount due to the United States from the following banks, to wit: The Branch Bank of Kentucky, at Louisville; the Huntsville Bank; the Bank of Missouri; the Bank of Vincennes; the Bank of Edwardsville; and the Farmers and Mechanics' Bank of Cincinnati; and of the present circumstances of those banks; and, whether there be reason to apprehend loss from any other bank in which the public money is deposited.

In answer to this request, the Secretary has communicated a statement of the Treasurer, giving the information required, which accompanies this report, marked D.

By this it would appear, that the balance now due the Government from these banks, is four hundred and forty thousand eight hundred and twenty dollars and sixty-three cents.

The committee has no particular information of the measures which have been adopted to enforce the collection of these balances. In regard to some of them, as has already appeared, the Secretary expresses a confident hope of ultimate payment; a great portion of the amount, however, may be considered as lost.

The amount of money collected on account of internal taxes, and from the sales of the public lands, mostly the latter, since 1816, is stated by the Secretary at twenty-one millions of dollars. If of this sum half a million should be lost by means of the failure of the banks which have stopped payment, the loss would be less than two and a half per cent. on the whole sum.

Considering the great and violent shock which credit of all kinds has sustained within this period in the Western States, and comparing this amount of loss, if it should eventually happen, with that of the Bank of the United States, of other banks, and of individuals, arising in the same part of the country, from similar causes, the committee is of opinion that the result does not show in the Treasury Department any want either of fidelity or prudence in the management of the public funds.

The other division of the charge contained in the Address, relates to the alleged suppression, or withholding of papers called for by different resolutions of the Houses of Congress.

One specification under this head is that relating to the correspondence between the Secretary and Mr. Stephenson, the President of the Edwardsville Bank. The opinion of the committee on that subject has been already given, and need not be repeated.

Another relates to the correspondence with the several Western banks generally. The charge is, that material parts of it were retained, when all was called for by the House.

The first call was made on the 9th of January, 1822, and was, as the committee think, limited in its proper construction to a requisition for the correspondence relative to the contracts for making deposites. In this way, the Secretary says, he understood it; but, that he did, nevertheless, transmit letters not directly embraced by the resolution, but which, he thought, were necessary to elucidate the subject.

The next resolution was on the 12th of March, in the same year, and the only correspondence it called for, was that with the Missouri Bank, and there is no reason to believe that this was not substantially complied with.

A third call was made in the same year, on the 8th of May, requiring the correspondence with all the banks that had not before been communicated.

The committee have not been able to discover, in the very voluminous return to this last resolution, any material letters not before communicated, except a circular instruction to the Western banks, directing them to note, on the back of each return of the Treasurer's account, a description of the moneys credited in such return, and the amount of each, according to a form of return therein given. This form is the same with that in which the return referred to in Mr. Edwards's Address, marked E., is made out. This circumstance would seem to give a greater weight to the evidence to be drawn from that paper, considering it as an official document intended for the Treasury, under the agreement.

Another charge of suppression, incidentally made, but which the committee deem it proper to notice, relates to a report made by the Secretary, in obedience to a resolution of the House of the 31st of December, 1819, calling for such information as he possessed in relation to the introduction of slaves into the United States. On this point, the committee addressed an inquiry to the Secretary, and received from him the answer annexed to this report, marked E.

Although they are of opinion that there were papers in the Department containing information called for by the resolution, and which ought to have been communicated, yet, judging from the statement made by the Secretary, in his answer, connected with the fact that the papers in question were communicated to the Attorney General, it is the opinion of the committee that the omission was not caused by a design to screen the person implicated from punishment or blame.

As to the other cases in which the Secretary is charged in the Address, with having suppressed or withheld papers or information called for by the Houses of Congress, the committee is of opinion that, although papers coming within the scope of the resolution, or call, were not, in some instances, communicated, such omissions were either the result of accident, or of a belief, on the part of the Secretary, or of the persons necessarily employed by him on such occasions, that the papers so omitted were not called for, or were not material; and the committee have seen no evidence that any documents or information has been withheld from the House, from the operation of any improper motive or design.

Referring to what has been said in the introduction to this report, and repeating that Mr. Edwards has not had an opportunity of supporting his charges, by his presence and testimony, the result of the facts which have appeared to the committee, thus far, in this investigation, and of their deductions from them, when applied to the recapitulation of charges, as stated at the end of the Address, is—

First. That the evidence referred to, and examined, does not support the charge of having mismanaged the public funds.

Second. That the uncurrent notes, mentioned in the second charge, appear, by evidence satisfactory to the committee, to have been received and deposited by the public receivers, at a time when they were receivable under the resolution of Congress of 1816. That, in the principal case, that of the Bank of Missouri, the bank did not make itself responsible for such notes as cash, and therefore the Secretary was bound to receive them from the bank; that, although the banks of Tombigbee and Edwardsville were liable to account for such deposites as cash, if the construction which the committee gives to their contracts be correct, yet, that both the Secretary and the banks expressed a different opinion as to the meaning of those contracts, and that the Secretary, in receiving fifteen thousand dollars from the one, and twenty thousand dollars from the other, of those banks, appears to have acted according to what he supposed to be the rights of the parties, and with a proper regard to the interest of the United States, under the circumstances which then existed.

Third. That no intentional misstatement has been made to the House, of the amount of uncurrent bills received from the banks; although a sum of two hundred and eighty dollars of such bills was omitted through mistake.

Fourth. That, although the Secretary may have misconstrued the effect of some of the contracts with the banks to the extent before mentioned, the committee find no grounds for the charge that he has misrepresented them, inasmuch as the contracts themselves were submitted, with his report, to the House.

Fifth. That the Secretary did omit to communicate to Congress the reasons which led him to direct the deposite of public moneys in the three local banks of Chillicothe, Cincinnati, and Louisville, where the Bank of the United States had branches, but there is no reason for supposing that any concealment was intended, or that the omission was occasioned by design.

Sixth. That in some instances, papers called for by resolutions of the House have not been communicated with other papers sent in answer to such calls, but that these omissions have happened either from accident, or from a belief that the papers so omitted were immaterial or not called for; and that there is no evidence that any document or information has been withheld from improper motives.

Having already expressed the opinion that this investigation ought not to be terminated, until the person preferring the charges shall have been examined, and regretting the circumstances which render such an examination impracticable during the present session of Congress, and thinking that Mr. Edwards may be expected at Washington within a few days, the committee feel it their duty to recommend to the House that they be required to sit after the adjournment, for the purpose of taking his examination, if an opportunity shall be presented.

B.

Conditions proposed by the Secretary of the Treasury to the Bank of Missouri, for the future employment of that bank as a depository of public moneys.

1st. The bank will receive from the Receivers of Public Moneys, and others having moneys to deposite on account of the Treasurer, the paper of such banks as pay their notes in specie on demand, or are otherwise in good credit, and whose paper is in circulation in its vicinity, a list of which banks will be furnished by it to the Secretary of the Treasury, and will credit the same to the Treasurer of the United States as cash. The bank may, however, discontinue to receive the paper of any of the said banks; but, in such case, it will give immediate notice thereof to such Receivers and others, who usually deposite public moneys in it; and the notes of any such banks, which may have been received by them before such notice, shall nevertheless be taken and credited by the Bank of Missouri as cash.

2d. The bank shall pay, at sight, all drafts which the Treasurer of the United States may draw on it; and it shall, from time to time, transfer to the Bank of the United States, or its branches at New York, Philadelphia, Baltimore, Washington, or New Orleans, in such moneys as will be received by them as cash, the excess of public money remaining on deposite, after such drafts are paid, over and above the sum of $150,000; which sum of $150,000 shall remain on deposite in the Bank of Missouri during the continuance of this arrangement, and shall be transferred in like manner by the bank, within six months after it shall cease to be employed to receive the public moneys. It is agreed, however, that, if the amount received by the bank shall be so large as that the expense of remittance shall exceed the benefit of the deposite, the sum which is to remain on deposite in the bank shall be proportionably increased.

3d. The bank shall render to the Secretary of the Treasury, and to the Treasurer of the United States, duplicate weekly returns of its account with the Treasurer, and shall also render to the Secretary of the Treasury, monthly returns of the state of its affairs, which latter returns shall be considered confidential, and will, in no case, be made public, they being intended solely to aid the Secretary of the Treasury in determining on the propriety of continuing or discontinuing the arrangement with the bank.

4th. It is understood that if the moneys deposited in the Bank of Missouri, under this arrangement, can be disbursed at the bank, the drafts of the Treasurer shall be paid at sight, notwithstanding such payments may reduce the deposite below the sum of one hundred and fifty thousand dollars.

I have the honor to be, your most obedient servant,

WM. H. CRAWFORD.

TREASURY DEPARTMENT, *June*, 1819.

Original made part of the answer of the bank, in a suit instituted by the United States against it, and filed with said answer in the clerk's office.

"I certify that the foregoing, with the exception of the memorandum, is a copy from the original conditions proposed by the Secretary of the Treasury to the Bank of Missouri, for the future employment of that bank as a depository of public moneys."

THOS. F. RIDDICK,
Pres't Bank of Missouri.

Sworn and subscribed before me, May 24, 1824.

DANIEL RAPINE,
Justice of the Peace.

C.

WASHINGTON, *May* 24, 1824.

SIR: I have received your note of this day's date, and now enclose you a copy of the publication of Mr. Edwards, made in 1819, in reference to the Bank of Edwardsville, in the Edwardsville Spectator and St. Louis Inquirer, and from the former copied in the Illinois Gazette, published at Shawneetown, and from which last mentioned paper the enclosed is taken.

I have the honor to be, very respectfully, your obedient servant,

DANIEL P. COOK.

The Hon. JOHN FLOYD.

FROM THE EDWARDSVILLE SPECTATOR.

To the Editors of the St. Louis Inquirer:

GENTLEMEN: The honorable Secretary of the Treasury having, at my particular application, directed certain deposites of public money to be made in the Banks of Shawneetown and Edwardsville, I feel myself called upon, by the repeated publications in your paper against the latter bank, to make the following statements, merely for my own justification, without, however, either wishing or intending to engage in any further controversy upon the subject, unless it should become necessary to support the facts themselves, which I shall state.

Whatever might have been the original intention of those who had been most active in procuring the incorporation of the Bank of Edwardsville, I did sincerely believe, at the time it was about to be put into operation, that it was intended to be conducted with the utmost prudence and honesty; and, with that belief, I, myself, subscribed for one hundred shares. I personally knew that $30,000 had been, actually, and bona fide, paid upon the stock subscribed; and the election of directors was a further confirmation to me, that nothing like fraud or imposition waa contemplated.

The gentlemen chosen, as directors, were—

1. Col. Benjamin Stephenson, formerly Delegate in Congress; then, and now, Receiver of Public Moneys in the Land Office at this place.

2. William Kinney, Esq., a Senator in our State Legislature.

3. Abraham Prickett, Esq., a member of our House of Representatives.

4. Joseph Conway, Esq., Clerk of the Superior Court.

5. Doctor Joseph Bowers, a gentleman of the first respectability, and highly distinguished for his professional abilities.

6. Mr. Robert Pogue, a respectable merchant of this place.

7. T. W. Smith, Esq., with whom I had no previous acquaintance, but in favor of whose character I have seen the most flattering and pointed testimonials from members of Congress, the Vice President of the United States, and several other gentlemen of the first respectability in the State and city of New York.

8. Major Robert Latham, whom I had known from infancy to manhood, and against whose honor I had never heard the slightest insinuation; and

9. Myself.

Reposing that confidence in a board composed of those gentlemen which their individual characters did justify, I felt myself warranted in giving it, as my opinion, to the honorable Secretary of the Treasury, that the public deposites could be as safely confided to them as to the directors of any other institution whatever; and I am happy to say that Mr. Crawford, who has been regularly informed, and is intimately acquainted with the general conduct of the board, has had no reason to believe that my confidence was misplaced.

To say nothing of the three last named directors, whose residence among us is of more recent date, the five first named, who, in my absence, constituted five-eighths of the board, are generally and well known; and I hazard nothing in stating that there is not one man of respectability in this State, that knows them, who will deny that their characters forbid the belief that they could so far degrade themselves as to become the wicked accomplices or willing instruments of effecting the fraudulent designs, that, by its enemies, have been imputed to the bank. The personal interests of the directors could have afforded no such temptation; for the accommodation that any of them have asked, or received, has been very moderate; and it is a fact that the President, and several of them, have never yet borrowed a cent from the bank.

As to General Payne, who subscribed for a greater amount of stock than any other individual, and who has been so frequently alluded to in the publications against the bank, I can only say that he has uniformly stated to me that his object in purchasing the stock was to set apart a fund, and to obtain facilities for the payment of public lands, which he then had purchased, and thereafter intended to purchase; and as far as I am informed, his conduct has corresponded with his professions; for, while he has recommended the utmost caution and circumspection in the management of the bank, neither he, nor any of his connexions, has ever obtained a loan from it.

But, whatever may have been the objects of any one or more gentlemen, it is certain that the bank has been managed with such caution and discretion that I am convinced it could have nothing to fear from a comparison of its situation with that of any other bank in the United States; and so far from "struggling," as you suppose it to be, "in the last agonies of death," I pledge my honor that the amount of specie in its vaults exceeds, by several thousand dollars, twice the amount of its notes in circulation; and that it is able to pay, at a moment's warning, the whole amount it owes the Government; which statement it would be folly for me thus publicly to make, if it were not true, because I well know the Secretary of the Treasury possesses the means of detecting and exposing any error which it might contain.

My object, however, in this address, is not to support the future credit of the bank, but merely to show the grounds upon which my recommendation of it was predicated; its present condition; and that the expectations which I authorized, have, so far, been completely fulfilled.

For, notwithstanding I do verily believe that neither the Government, nor any individual, is in danger of being intentionally imposed upon by the bank, so long as it continues under the control of its present directors; yet, intending to be absent from the State; and considering the disastrous pressure of the present times; the hostility which the bank has to encounter; and particularly the opposition of gentlemen in this State, high in office, who have been extremely anxious to get other banks into operation, with the aid of "foreign capital," as it is termed, I have determined to resign my seat in the directory, and to withdraw from all future responsibility of any kind whatever, in relation to this or any other bank, without making any further unsupported effort to retain any portion of the public deposites in this State—leaving it to the directors to maintain their credit by their own good conduct, and to the Secretary of the Treasury to judge for himself upon the returns he requires how far it may be prudent to trust them.

I will only add, that in the support which I have heretofore given to the Banks of Shawneetown and Edwardsville, I have been wholly uninfluenced by any motives of pecuniary interest; and that I never have applied for or obtained a loan from either; nor am I under any kind of obligations to them.

Very respectfully, I am, &c., &c.,

NINIAN EDWARDS.

Edwardsville, *Sept.* 13, 1819.

D.

Treasury Department, *May* 12, 1824.

In answer to the letter of the Honorable Mr. Floyd chairman of a select committee of the House of Representatives, of the 1st instant, the Secretary of the Treasury has the honor to transmit the accompanying statement from the Treasury, showing the balances at the credit of that officer, in the banks mentioned in Mr. Floyd's letter.

By this statement, it appears that the Branch Bank of Kentucky, at Louisville, owes nothing to the Treasury; the debt lately due by that institution having been entirely discharged in August last.

Of the present condition of the other banks mentioned by Mr. Floyd, the Secretary is not sufficiently informed to offer any opinion. As far, however, as relates to the debts due by them, respectively, to the Treasury, he has the honor to state:

1. That the debt due by the Planters and Merchants' Bank, at Huntsville, is considered safe, and is in a course of payment—having been reduced, since the report made by the Secretary of the Treasury, on the 14th of February, 1822, from $64,044 to $45,167 11.

2. That the debt due by the Bank of Missouri is also considered safe, having been secured in a manner acknowledged by persons competent to judge on the subject, to be satisfactory; and, moreover, that some portion of it is understood to have been already paid to the agent.

3. That the debt of the Bank of Vincennes was heretofore supposed to have been secured; but, that some doubts have since arisen, both as to the validity and the value of part of the security; and that, although no correct opinion can now be formed on the subject, there is reason to suppose that a loss will be eventually sustained by the United States. To what extent this may be the case, cannot at present be estimated: but measures will be taken to guard the interests of the Treasury as far as practicable.

4. That the Bank of Edwardsville, and the Farmers and Mechanics' Bank of Cincinnati, having failed to make any provision by security or otherwise, for the payment of the debts due by them to the United States, suits have been instituted against them. In these cases, also, some loss is expected, though no correct opinion can now be formed as to the extent.

The Secretary has no reason to apprehend loss from any other bank in which the public money is deposited.

The Hon. JOHN FLOYD, Esq.
Chairman of the Select Committee.

Balances at the credit of the Treasurer of the United States, in the following banks, May 3, 1824.

Branch of Kentucky, Louisville - -	None.[*]
Planters and Merchants' Bank, Huntsville	$45,167 11
Bank of Missouri - - - - - -	159,955 87
Bank of Vincennes - - - - -	168,511 64
Bank of Edwardsville - - - - -	46,973 00
Farmers and Mechanics', Cincinnati -	20,213 01
	$440,820,63

THOMAS T. TUCKER,
Treasurer of the United States.

[*] The balance was $10,943 88, which was drawn for by bill No. 1846, in August 1823, and credited Branch of the United States Bank, Louisville, same month.

E.

TREASURY DEPARTMENT, *March* 20, 1824.

The Secretary of the Treasury has had the honor to receive the letter addressed to him, on the 12th instant, by the Hon. Mr. Livingston, on behalf of a select committee of the House of Representatives.

As the correspondence with Mr. D. B. Mitchell, to which the Committee refers, though relating partly to public transactions, was unofficial; it was not placed on record in the Treasury Department. And, on examination, it appears that only two of the letters included in it have been preserved. These are Mr. Mitchell's letters of the 19th of February, and 28th of April, 1818; the former of which has been found on the files of the Department, and the latter among the private papers of the Secretary. They are both transmitted herewith.

To explain the circumstance of public matters being introduced into an unofficial correspondence between two public officers, it is proper to state, that Mr. Mitchell, having been Governor of Georgia, and having for many years taken an active part in the public affairs of that State, had long been personally well known to the Secretary; and that during the Secretary's residence at Washington, though his own duties left him but little leisure for private correspondence, Mr. Michell had been in the habit of writing to him freely and frequently; introducing into his letters, as may naturally be supposed from the former and actual situation of the parties, a variety of topics, both of a public and local character. It is, also, to be observed, that although Mr. Mitchell, as Indian agent, was not precluded from any official correspondence with the Secretary of the Treasury, yet, as it was the War Department to which, under the President, he was officially accountable, it was to that Department that his communications, in relation to his public duties, were properly to be addressed. And it appears by a publication, which has been since made by Mr. Mitchell, that, on the 3d and 18th of February, 1818, he communicated officially to the Secretary of War, the same information, in substance, respecting his conduct in relation to the Africans, as was contained in his private letter of the 19th of February, to the Secretary of the Treasury.

An examination of Mr. Mitchell's letters, of the 19th of February, and 28th of April, will show that they were not merely unofficial, but in part at least, private and confidential. The letter of the 25th of December, 1817, which is the only other letter of Mr. Mitchell required by the committee, is believed to have been of the same character; but in what degree, is not now recollected.

Although it was no part of the duty of the Secretary of the Treasury to have taken official cognizance of the subject of Mr. Mitchell's letter, of the 25th of December, even if the letter had been official, yet he submitted it to the President: and, as the circumstances communicated in it appeared to show a defect in the existing laws on the subject, he submitted it, also, to a committee of the Senate, which had been appointed to inquire into the expediency of making further provisions by law for preventing the introduction of slaves. Whether the letter was returned to the Secretary by that committee, or what disposition was finally made of it, he is now unable to state. He has written, however, to Mr. Roberts, who was chairman of that committee, for such information as he can furnish: and when the answer is received it shall be communicated to the committee.

The additional circumstances disclosed in Mr. Mitchell's letter of the 19th of February, induced the Secretary to submit it to the Attorney General; and while it was before him, the letter of the Collector of Darien, of the 9th of March, 1818, containing his official report of the seizure of the Africans was received, and was also submitted to the Attorney General. As the opinion of the Attorney General recommended that the case should be left to the decision of the Courts, before which it was then supposed to be pending, the Secretary informed Mr. Mitchell of the fact; presuming that, as far as the Secretary was concerned, the affair was then terminated; as, indeed, it soon after was, by the delivery of the Africans to the Executive authority of Georgia. As this letter was written in answer to unofficial letters, and, probably, contained allusions to some of the private matters noticed in those letters, it was not made official; and, consequently, was not placed on the records of the Treasury Department. Copies of unofficial letters are rarely retained by the Secretary; and, of this letter, none was taken.

The opinion of the Attorney General, however, was filed in the Department; and, it appears, that with it were filed the papers upon which the opinion was founded, viz: Mr. Mitchell's letter of the 19th of February, and the letter of the Collector of Darien of the 9th of March.

There is reason to believe that it was owing to the circumstance of these papers having been filed with the opinion of the Attorney General, that the letter of the Collector of Darien was overlooked when the papers were collected to be transmitted under the resolution of the House of Representatives of the 31st of December, 1819. It will be seen by the endorsements made on the original resolution [which is herewith transmitted,] by the Secretary and Mr. Jones, the Chief Clerk of the Department, that the duty of collecting the papers called for by the resolution was assigned by the Secretary to the Chief Clerk, and was performed by him. And, by the interlineation in his handwriting in the original rough draught of the Secretary's report, under that resolution, [which is herewith transmitted,] it will be seen that the report passed through his hands from the Secretary to the House. From the lapse of time, that gentleman is not now able to explain why the Collector's letter, of the 9th of March, was not transmitted with other letters; but the probability is, that, in collecting the papers required, his examination was confined to the files of the several collectors and officers of the customs, without recollecting that this letter of the Collector, and Mr. Mitchell's letter of the 19th of February, had been put up with the Attorney General's opinion, and placed with it on the file set apart for that officer's communications. The originals, of the opinion and of those papers, with the endorsements made on them at the time, are now transmitted in the same state as that in which they were filed; and, it is believed, that their appearance affords intrinsic evidence that they were so filed.

The papers herewith transmitted, include all the correspondence in the possession of the Secretary, or in the Treasury Department, having relation to the subject of the letters required by the committee, not heretofore communicated to the House of Representatives.

It has been insinuated by Mr. Edwards that these letters were withheld by the Secretary, in violation of the resolution of the House of Representatives of the 31st December, 1819, for the purpose of screening Mr. Mitchell. The charge, however, is contradicted by the facts; and particularly by the facts upon which it purports to be founded. The letter of the Collector of Darien, of the 14th of March, which was communicated under that resolution, and to which, as well as the other papers, communicated by the Secretary on the 11th of January, 1820, the committee is respectfully referred, begins thus: "I had the honor to address you per last mail, and to enclose to you papers respecting forty-seven African negroes, taken by the Surveyor of Darien, from one Jared E. Groce, on their way to the Alabama Territory, through the Indian nation, and forty-one others at the Creek agency, from the negro houses of the agent for Indian affairs." Here, then, is a disclosure of the very fact, which, if the Secretary's design was to screen Mr. Mitchell, it was fatal to disclose, viz: that a large number of Africans, who had been illicitly introduced, had been seized, not only at Mr. Mitchell's residence, and at the seat of his authority, but in his own negro houses. It will be seen by the committee, that the Collector's letter of the 9th, though it contains the details of the seizure, does not more strongly implicate Mr. Mitchell than he is implicated by this disclosure. But, whatever may be the purport and bearing of the letter of the 9th, that letter is particularly pointed to in the letter of the 14th, as containing papers respecting the seizure of those negroes. And, if there had been a design to suppress the letter of the 9th, it was necessary to its success that this reference to a letter which would have defeated the design, should also have been suppressed. But, upon what principles that govern human conduct can the design of favoring Mr. Mitchell, at the expense even of honor and of duty, be reconciled with the suppression of papers that tended to his justification? For it will be seen by the committee that Mr. Mitchell's letters, which the Secretary has been charged with concealing and withholding, represent his conduct in the transaction referred to as that of a vigilant, intelligent, and faithful public officer. And, it is believed that, if the guilt or innocence of Mr. Mitchell were to be determined on no other grounds than those afforded by the communications made to the Secretary by the Collector of Darien and himself, all of which (with the exception of the letter of the 25th of December) are now before the committee, Mr. Mitchell would be free from suspicion. So far, then, from having been improperly influenced by any sentiment of partiality towards Mr. Mitchell, in withholding these papers, it is believed that if any error has been committed by the Secretary in relation to them, it is on the other side. If, on the one hand, the letters of the Collector inculpate Mr. Mitchell, so, on the other hand, his own letters justify him; and, though one letter of the Collector was omitted to be communicated to the House, yet, on the other hand, all the letters of Mr. Mitchell were omitted. So that, as far as Mr. Mitchell was concerned, the charge was presented without the justification.

It is believed that, while the circumstances stated in this communication explain satisfactorily the reasons why the correspondence referred to by the committee was not laid before the House, under the resolution of the 31st December, 1819, it is demonstrated by the communications made by the Secretary to the President, to the committee of the Senate, to the Attorney General, and to the House itself, that there has been no wish nor intention on the part of the Secretary to withhold from the proper authorities any information, whether made known to him officially or unofficially, of the violation of the law, in the case alluded to, or of Mr. Mitchell's conduct in the transaction.

F.

Thomas F. Riddick, President of the Bank of Missouri, having been called on by the committee of investigation, on the Address of Ninian Edwards, to state whether or not it is known to him that the sum of $138,179, paid by the Bank of Missouri to the Treasury of the United States, in bills of certain banks, was received by the bank on public account, prior to the arrangement made by the Secretary of the Treasury with said bank, by which the bank became bound to pay in specie or its equivalent—

Answers: That it is known to him that the bank did receive all the notes transferred by said bank to the Treasury, amounting to $138,179, from the several receivers of public moneys, prior to the 9th of August, 1819, the day when the bank became, for the first time, bound to pay cash for all deposites on public account, made after that date.

Thomas F. Riddick further states, that he was elected a director of the Bank of Missouri when the bank first commenced its operations, and has continued, until this day, either as director or president; that he has always taken an active part in the direction of said bank; and that all its affairs and business has passed under his immediate inspection; that the paper marked E, accompanying Mr. Edwards's Address, is a copy from a memorandum kept by John Dales, former cashier, in his lifetime, for the purpose of showing to the Secretary of the Treasury the amount received by the bank in funds at par, and the amount received in notes under par, that, on final settlement, the bank might pay in kind, according to its receipts.

That the Bank of Missouri did transfer, in Eastern funds, to the Bank of the United States and its branches, near $450,000; which funds were worth four per cent. premium to the bank; and he believes that the price of good bills at Louisville, Kentucky, was at that time four per cent. and upwards—a part of the time as high as six. These funds were transferred, on drafts issued by the Treasurer of the United States, for the use of the Treasury.

He further states, that a part of the balance due by the Bank of Missouri to the United States has already been paid, and that the remainder is in a course of payment; and he verily believes the ultimate payment to be well secured.

THOMAS F. RIDDICK.

Sworn and subscribed before me, May 24, 1824.

DANIEL RAPINE,
Justice of the Peace.

ANSWER

Of the Secretary of the Treasury to the Address of Ninian Edwards.

Treasury Department, *May* 8, 1824.

The Secretary of the Treasury has had the honor to receive the letter of the honorable Mr. Floyd, chairman of a select committee of the House of Representatives, dated on the 28th ultimo, transmitting the "Address of Ninian Edwards," and expressing the readiness of the committee to receive any communication which the Secretary may think proper to make, in reference to the same, and he now submits the following remarks in answer to the accusations contained in that address:

But, before he enters upon an examination of the subject of the "address," he thinks it due to himself to disclaim the imputation of having taken advantage of the moment of Mr. Edwards's departure to arraign the testimony which had been given by him before a former select committee of the House. As the Secretary had no recollection of the communication to which that testimony referred, and as they were not on record in the Treasury Department, he considered himself bound to state the fact; and the occasion which was presented by the transmission to the House of other paper relating to the same subject, appeared a suitable one for making the statement. The terms in which it was made, will show that no disrespect toward Mr. Edwards was intended. And, if the occasion was not earlier presented, the delay, so far from being caused or sought by the Secretary, was produced by circumstances beyond his control. For reasons stated to the House at the last session, the papers could not then be transmitted; and, although considerable exertion was used, it was not until the day on which they were sent to the House, that the preparation of them was completed.

It is not deemed necessary, in this communication, to recapitulate the injurious allegations contained in the "Address." The lateness of the session requires despatch; and this answer shall be brief and explicit.

The first charge to be noticed relates to two letters which Mr. Edwards, in his testimony before the committee, on the 13th of February, 1823, had stated to have passed between the Receiver of Public Moneys at Edwardsville, and the Secretary of the Treasury, and which, not having been communicated to the House under the resolutions of the 9th January, 1822, and 12th March, 1822, agreeably to Mr. Edwards's alleged expectation, and which the Secretary having stated to be neither on file nor on record in the Department, nor to be recollected by himself or his officers, he is accused of having suppressed or denied.

As the resolutions under which it is alleged that these letters should have been communicated, call only for the correspondence between certain "banks" and the Secretary, it is unnecessary to explain why, among the letters which were communicated, any correspondence between a "Receiver" and the Secretary was not to be found. Nor is it easy to imagine how any one, informed of the tenor of those resolutions, should have entertained the expectation of seeing the letters in question among the papers which were transmitted.

The blame of not having communicated these supposed letters, having been thus easily removed, by referring to the terms of the resolutions themselves, which show that no such letters were called for, the next question is, whether such letters ever passed between the parties.*

In the absence of all direct testimony in support of his assertion, Mr. Edwards has resorted to probabilities, and has endeavored to infer a confirmation or corroboration in its favor, from circumstances that are susceptible of no such interpretation. That which he chiefly relies upon is the omission of the Receiver at Edwardsville to make his deposites in the Edwardsville bank, in the fourth quarter of 1819, which, he states, was in consequence of his publication and advice; and, he asks whether it is to be believed that the Receiver would have withheld the deposites, contrary to the Secretary's orders, without giving him a reason; and whether, if he had done so, the Secretary would not have called him to account.

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* Two facts must have occurred, if these communications were made, to account for the letter of the Receiver not being on file, and for the Secretary's answer not being on record, or among the rough draughts: 1st. That the letter itself has been lost; 2d. That the answer was not copied. Though the concurrence of these two facts is possible, it is highly improbable.

The means exist, in the monthly returns of the Receiver, and the correspondence between him and the Secretary, on record in the Department, by the aid of which this may be investigated. Copies of these papers are herewith transmitted.

By these it will be seen that the first instructions given to the Receiver to make his deposites in the Bank of Edwardsville, were of the 21st December, 1818; that, in pursuance of these instructions, he made his first deposite in that bank on the 28th February, 1819; of $12,000, at which time he retained in his possession a balance of $20,092. On the 31st of March, he deposited $4,500, and retained a balance of $18,600. On the 30th April, he deposited $5,861, and retained $19,158. In May, he made no deposite, and in June, only $8,179, retaining $19,143; and from that time to the 30th December, he made no deposite. Whence, it appears, that, with the exception of a small sum in June, amounting to less than one-third of the money then on hand, he made no deposite between the last of April and the last of December, a period of eight months; during which he retained an increasing balance of from $20,000 to $56,000; and that, even on the last of December, he did not pay over, by about $10,000, all the money then in his possession.

Instead of a withholding of the deposites, in the fourth quarter of the year, here is a retention of them, with the exception before noticed, for eight months. It was scarcely contended that all these omissions of duty were the result of the advice given by Mr. Edwards to the Receiver, to withhold the deposites, until he could receive the Secretary's instructions. On the contrary, it will be shown, by the correspondence, as far as it is susceptible of being shown, negatively, that no part of these moneys was withheld from deposite upon that pretext.

On the 6th of August, at about which time the Receiver's monthly return, for June, was received, the Secretary wrote to the Receiver to know why he retained the public moneys in his hands, contrary to his instructions, and informing him that, as there was a bank at his place of residence, there could be no excuse for his doing so.

On the 18th September, (see No. 20,) Mrs. Stephenson, the wife of the Receiver, answered this letter, in consequence of the absence of her husband, and informed the Secretary that, from what she had heard in conversation between the Receiver and others, she believed he had retained the money to meet the drafts of certain public agents in that country, which the Secretary had authorized him to purchase. And it is to be observed, that, though this was the "Fall of 1819," Mrs. Stephenson said nothing of Mr. Edwards's publication or advice.

On the first of November, (see No. 23,) the Secretary wrote again to the Receiver, complaining of the continued detention of the public money in his hands, which he presumed had been the result of his letter of the 9th of April, (see No. 17,) and directed that, immediately on receipt of this letter, he will pay into bank the whole of the public money in his possession on the 30th instant, and further instructing him not to consider the letter of the 9th of April as authorizing him to retain the public money in his hands at the end of each month. Here it appears that, so far from attributing the withholding of the deposites to the cause alleged by Mr. Edwards, the Secretary attributes it to the cause assigned by Mrs. Stephenson in her letter of the 18th September. And it is worthy of remark, that this is the last letter on record, from the Secretary to the Receiver, in relation to the deposites, in the year 1819; and that this was the last letter written to him on that subject in that year will appear by a reference made to it in a letter from the Secretary to the Receiver, of the 20th of April, 1820, (see No. 26,) which is more particularly noticed hereafter.

On the 28th October, (see No. 22,) the Receiver, who had then returned home, wrote to the Secretary, acknowledging the receipt of a letter of the 21st of September, (see No. 31,) with a new form of an account current.

On the 5th of November, (see No. 24,) the Receiver wrote to the Secretary, enclosing a draft, which he had purchased, transmitted his monthly return for October, and noticing a small error in his account for August.

On the 16th of November, (see No. 25,) he again wrote to the Secretary, enclosing the second of the draft which he had transmitted on the 5th. But in all this time there was no allusion to Mr. Edwards's publication and advice, although "the Fall of 1819" was now nearly gone.

At last, on the 31st of December, (see No. 12,) the Receiver made a deposite in bank; in consequence, it is fairly to be inferred, of the peremptory order of the Secretary of the 1st November, and in consequence of that only.

That Mr. Edwards's publication and advice were not the cause of the retention of the money by the Receiver before the 18th of September, is manifest from Mrs. Stephenson's letter of that date.

That no such cause of retention existed, within the knowledge of the Secretary, before the 1st of November, is manifest from his letter of that date. If the Receiver had, at any time between the date of his wife's letter and of his own letter of the 15th November, made the communication alleged by Mr. Edwards, it is to be presumed that he would, in some manner or other, have alluded to it in that letter, or in the previous one of the 5th of November. He must have discovered, on his return from Kentucky, that the Secretary was dissatisfied with him for retaining the public money in his hands. He must have been aware that every subsequent return which he transmitted to the Treasury, as it exhibited an increasing balance, and as it showed that he had made no deposites in bank, would aggravate the Secretary's dissatisfaction. Under such circumstances, what would be so natural for him, when he had occasion to write to the Secretary, as to make some allusion to the communication which explained the reason of his apparent disobedience, and to the instructions which he had expected in answer, for the government of his conduct in that important particular? The presumption is, that if such a justification of his conduct as is now pretended had existed, he would without doubt have assigned it; but, instead of doing so, he contented himself with the excuse made by Mrs. Stephenson. Therefore he was silent on the subject. He waited the result of her letter. That he received in December; and, accordingly, in December it is found that, in partial compliance with the peremptory order contained in the Secretary's answer to his wife's letter, he made a deposite in bank.

That no other letter was written to him on the subject of his deposites, after that of the 1st of November, is to be inferred from the tenor of the Secretary's letter of the 20th April, 1820, which was produced by his renewed remissness. This letter begins thus:

"On the first of November last, you were instructed to pay into bank the whole of the money in your hands on the 30th of that month, and not to retain the public money in your hands at the end of each month. By referring to your monthly returns for the months of December, January, and February, it appears that the instruction has not been complied with—a sum exceeding $10,000, upon an average, having been retained by you during those months. As the bank in which your deposites have been directed to be made, is established in the place in which your office is kept, the retention of the money, or any part of it, one day beyond the expiration of the month, is without any apparent excuse." After again repeating the directions for him to deposite, and remarking upon some irregularity in his returns, the Secretary concludes thus: "It is expected that all regulations addressed to public officers will be promptly complied with; and that, when, from any circumstance, this should be found impracticable, the cause of non-compliance shall be communicated without delay."

If any instruction in relation to his deposites had been given to the Receiver, since the order of the 1st of November, that order would scarcely have been referred to alone. And, if any excuse or explanation had been received by the Secretary, subsequent to the 1st of November, such as would have been afforded by Mr. Edwards's publication and advice, the order of the 1st of November would not have been repeated and renewed as an order unsatisfied and unanswered. The style and manner of this letter of April 20 indicate not only that neglect had occurred, but that no explanation had been offered for the neglect. The Receiver's answer confirms this conclusion. The Receiver had found, by the letter of the 1st of November, that, so far, the excuse offered by Mrs. Stephenson of retaining money to meet the Indian payments, had been admitted. But, when, in the month of April following, he was called upon to account for his subsequent omissions of duty, omissions for which that excuse would no longer avail, would he not, in justification of himself, have naturally referred to any and every letter that he had written on the subject; and if, in any such letter, he had made a communication of the kind alleged by Mr. Edwards, would he not, on this occasion, have made some allusion to it?

All these circumstances, corroborating each other so fully, are not only irreconcilable with the inference which Mr. Edwards draws from the withholding of the deposites by the Receiver, but they lead inevitably to the conclusion, that the alleged communication of his publication and advice, as a reason for withholding the deposites, was never made to, or received by, the Secretary, and that no such letter, as he alleges to have been written by the Secretary, was ever written in consequence of any such communication.

There is, however, other testimony furnished by the Receiver and Mr. Edwards themselves, which confirms this conclusion.

Mr. Edwards has stated, on oath, that he made the publication, and had it specially communicated to the Secretary by the Receiver, for the purpose of apprizing the Secretary of his intention to withdraw from the bank, and his determination to relieve himself from all responsibility in regard to it, leaving the Secretary to judge for himself, from the returns, which he required it to make, of the propriety of continuing it a depository of public money; that, "according to the pledge which he had given in his publication, he resigned his seat as a director. And, though he was once elected to the same station since that time, he refused to accept it, nor has he had any thing to do with the management of the bank, since the Fall of the year 1819."

Yet, in the following Winter, Mr. Edwards is found presenting himself to the Secretary, not only in the character of a director of the bank, but of a director, specially delegated and authorized by the bank to conclude an important arrangement with the Secretary, in respect to the terms on which the bank was to continue a depository of public money. By the printed papers accompanying the Secretary's report to the House, of the 27th of April, 1822, it appears that, on the 16th of February, 1820, Mr. Edwards being then in Washington, transmitted to the Secretary a letter from the bank to the Secretary, signed by this very Receiver as President of the bank, containing a list of the directors, for the year 1820, in which Mr. Edwards's name is included; that, at the same time, he also transmitted to the Secretary a letter from the bank, signed by the same Mr. Stephenson, informing the Secretary that Mr. Edwards, "one of the directors of the institution" is authorized to suggest certain modifications of the contract between the Secretary and the bank, and to conclude such arrangements as he may deem acceptable, "which will be considered obligatory;" and he likewise transmitted, at the same time, a letter from the bank addressed to himself, signed also by Mr. Stephenson, stating to him at large the changes desired by the bank, and the reasons therefor.

Is this compatible with the impressions which the statement, contained in his testimony, is calculated to produce? If he had ceased to be a director, and publicly withdrawn from all concern in the management of the bank, in "the Fall of 1819," how was it that Mr. Stephenson, the Receiver, the President of the Bank, who, as well from his official situation as from "the known friendship and intimacy" (Address, page 14) which Mr. Edwards has stated to have subsisted between them, may be supposed to have known something of his conduct and views in regard to the bank, should, so soon after Mr. Edwards's public withdrawal, have written to him, and constituted him, in his character of director, the representative of the bank, in a negotiation with the Secretary—that Secretary whom Mr. Edwards was so anxious to satisfy of his having no connexion with the bank? And, finally, how could he, if such had been the fact, communicate to the Secretary, without explanation, all these papers, which were totally at variance with it? If he had supposed the Secretary to have been informed, at the time of his having withdrawn from the bank, in 1819, would he not also have supposed that the Secretary would be at some loss, on receiving these papers, to understand what was Mr. Edwards's actual relationship to the bank? If he had not wished to be considered, by the Secretary, as a director and agent of the bank, which the papers purported, would he not, in some way, have given him to understand that he was not so? Instead of doing this, in his letter to the Secretary, accompanying the papers, he referred to them as fully explanatory of their object, and thereby gave his assent to their contents.

Evidence might, indeed, be more positive; but, taking all these circumstances in connexion with each other, it is doubtful whether any negative evidence could more satisfactorily establish the conviction, in any candid mind, that no such communications, as Mr. Edwards has alleged, ever passed between the Secretary and the Receiver.

Mr. Edwards claims to have found a further confirmation on the Receiver's letter having been written and received by the Secretary, in the expressions used by the Secretary in speaking of the letter alleged to have been written to him by the Receiver. This idea, however, is groundless. There is no real difference in the meaning of the words employed by the Secretary and those of Mr. Edwards, in relation to the letter. If the Receiver had discontinued the deposites, for reasons stated by him to the Secretary, (as Mr. E. alleges,) and if he had, in consequence, received a letter from the Secretary, directing him to continue the deposites, (as Mr. E. also alleges,) such a letter, whatever might have been its form, was, in fact, an answer to the letter of the Receiver. The denial of the Secretary that any such answer was recollected, or was on record, so far from being evasive, was direct and explicit, and covers, as was intended, the whole ground presented in the charge.

But this charge, contradicted, as it is, by all the facts which have been adduced in the case, is also rendered more improbable by the want of any assignable motive for the Secretary's alleged conduct on the subject. What object had he to serve by continuing the deposites in the Bank of Edwardsville, if he had received any communications which authorized the opinion that they were insecure in that bank? Mr. Edwards has charged him with an improper partiality for the Bank of Missouri, yet it was that bank from which the deposites were taken, to be placed in the Bank of Edwardsville; and it was to that bank that they must have been restored, if they were withdrawn from the Bank of Edwardsville. There was no other bank within reach. If the charge of favoritism towards the Bank of Missouri were well founded, the Secretary would have readily availed himself of the pretext furnished by the alleged communication of the Receiver, for restoring the deposite to that bank.

The instructions given to the Receiver at Kaskaskia, to deposite in the Bank of Missouri, so far from confirming the allegation, that a letter from the Receiver at Edwardsville, enclosing the publication of Mr. Edwards, had been received by the Secretary, lead to a contrary conclusion. The correspondence with that Receiver, at the period in question, is herewith transmitted. It appears that, on the 18th of September, 1819, this Receiver wrote to the Secretary, enclosing his account current for the month of August preceding; and, as there appeared, by that account, a large balance of public money in his hands, amounting to about $30,000, he seems to have considered it necessary to explain the cause. His explanation was the same as that offered by Mrs. Stephenson, for a like retention of money, to meet the Indian payments; and, in this case, as in the other, not any publication of Mr. Edwards, or any circumstance affecting the character of the Bank of Edwardsville, which, if such had existed, he was bound by the Secretary's instructions to communicate. It was known to the Secretary that it was not so convenient for this Receiver to deposite at Edwardsville, between which place and Kaskaskia there was very little communication, as at St. Louis, with which there was frequent intercourse. In the next letter written to this Receiver by the Secretary, which was on the 1st of November, 1819, the Secretary without alluding to any publication of Mr. Edwards, or any letter from the Receiver at Edwardsville, which, if any had been known to him would naturally have been alluded to on such an occasion, directed the Receiver at Kaskaskia to deposite in the Bank of Edwardsville all the money in his possession, at the close of the month, and afterwards to deposite in the Bank of Missouri. The Receiver did not make this deposite, for reasons stated by him in his letter of the 10th of January, 1820, until the 3d of that month, as will be seen by the list of moneys deposited by him on that day. From his silence on the subject, it is evident that there was nothing in the circumstances of the bank to render the deposite improper.

The accusation of having presented contradictory statements of the amount of public money in the Bank of Edwardsville, and of having transposed other statements from that bank, in the communications made by the Secretary to the House, and of having done so for the purpose of disguising the truth in relation to the deposites in that bank, with a view to their bearing on the charge connected with these supposed letters, is altogether without foundation. The bank statements of December and November, which are referred to, either formed part of, or accompanied the letters, which they immediately follow in the printed papers; the first having been written on part of the same paper as the letter of the 7th of January, 1820, to Mr. Edwards, and the latter having been enclosed in the letter of the 6th of January, and both the letters and statements having, when transmitted by Mr. Edwards, in his letter of the 16th February, been, it is believed, in the same order as that in which they appear in the documents. The Treasury statements, from which the balances in the Bank of Edwardsville, at the end of the 2d, 3d, and 4th quarters of 1819, are quoted by Mr. Edwards, were prepared, by the Treasurer, from materials in his own possession; and the Secretary had no more to do with the preparation of them, than Mr. Edwards himself. They were communicated as the statements of that officer. The cause why the statement of the fourth quarter of 1819, differs in amount from that rendered by the bank for the same period, is, that, in the former, the Treasurer has deducted from the sum standing to his credit in the bank, the amount of two drafts which he had drawn on the bank, and which had not been paid at the time, when the bank statement was prepared. The sum stated by the bank is, therefore, more than that stated by the Treasurer, by the amount of these drafts. This is more particularly shown in the accompanying note from the Treasurer, all of whose statements are prepared on the same principle, and have always been so prepared. It is considered unnecessary to dwell longer on this branch of the subject. That no such communications, as Mr. Edwards alleges, were made, is believed to be conclusively demonstrated; and if so, no arts could have been resorted to for the purpose of concealing them. But, at every stage of this investigation, this remark naturally suggests itself; that even if both the communications alleged had actually been made, there was nothing in that fact for the Secretary to conceal; Mr. Edwards has stated, on oath, his opinion, that, in the Fall of 1819, the Bank of Edwardsville was in as good a condition as any bank in which the public moneys were deposited; and, if so, what necessity was there for the Secretary to discontinue the deposites? Whether Mr. Edwards was, or was not, a director, and whether he did or did not choose to be responsible for a bank, if the bank were in a good condition, was a matter that ought to have had very little influence upon the conduct of the Secretary of the Treasury. In connexion with this charge, it is to be remarked, that it is true that communications were made to the Secretary against the Edwardsville Bank, and particularly in a letter from the President of the Bank of Missouri, of the 9th of August, 1819. But, as the Receivers, both at Edwardsville and Kaskaskia, were instructed, by the Secretary's letter of the 31st December, 1818, that, if any circumstance affecting the character of the Edwardsville Bank, should come to their knowledge, they should communicate the same to the Department, and as no such information was received from them, and as the bank continued to fulfil its engagements, there was no sufficient reason for discontinuing the arrangement which had been made with it. The fact is, that it was not until two years after the letter of the President of the Bank of Missouri referred to, that the Edwardsville Bank stopped payment. But although this charge is considered as sufficiently answered, the only remaining circumstance presented by Mr. Edwards in its support shall also be noticed. He represents himself to have stated, in two letters written by him to the Secretary, in February, 1822, that he had made such a publication, that the Receiver had transmitted it, that the Receiver's letter containing it had been answered, and infers, from the Secretary's silence on the subject, admission of the fact.

That the Secretary did not reply to this, or to any of the other matters contained in those letters, resulted from his having declined any correspondence with Mr. Edwards on the subjects to which they referred, in consequence of a menace which the first of them contained. This will be seen by the Secretary's answer, which, together with Mr. Edwards's letters, are herewith transmitted.

The next principal accusation to be examined, relates to the Secretary's transactions with the Bank of Missouri, and charges him with having, in the arrangements made with that bank, in regard to the public deposites, allowed it advantages for which it rendered no equivalent, and with having received from it uncurrent bank notes, which he was neither bound nor authorized to receive. The direct connexion between the Treasury and the Bank of Missouri began on the 1st of August, 1818. Before that time the bank had acted as the agent of the Bank of the United States. It had fulfilled its engagements with that institution with good faith; its condition was considered sound and prosperous; and its reputation stood high, as well in the Atlantic as in the Western States. The large amount of money to be received from the sale of public land in that quarter, rendered a connexion with such a bank not only convenient but necessary.

In the first arrangement with the bank, there was no stipulation as to what kinds of money it should receive or pay for the Treasury. The Receivers were instructed to receive the notes of such banks as paid specie on demand for their notes, and no others; and to deposite them in bank to the credit of the Treasurer. When public disbursements were to be made, the Treasurer issued his drafts, and the bank discharged them in such funds as it had received.

On the 23d of June, 1819, the Secretary, in the execution of a general system, which had been adopted with the approbation of the President, for the reasons stated in his report to the House of Representatives of the 14th February, 1822, and in his letter to the chairman of a select committee of the House, of the 24th of February, 1823, proposed a new arrangement to the bank. By this arrangement, the bank was to receive the notes of such specie-paying banks as were in good credit, and in general circulation, and to account for them as cash; to transfer to the Bank of the United States, or its branches, the surplus of the money which it might receive, that could not be disbursed at the bank; and, for the expense and risk of making those transfers, which were expected to amount to a very considerable sum, it was to have a standing deposite of $150,000, which standing deposite was always subject to be reduced by any disbursements that could be made at the bank. This arrangement was accepted by the bank on the 9th of August, 1819. It was modified in August, 1820, by limiting the local bank notes to be received to those of the Atlantic cities, and of the State of Missouri, and thus it continued until the bank stopped payment on the 14th of August, 1821. To estimate, justly, the advantages offered to the bank by this arrangement, it is necessary to examine what were the probable services to be rendered by the bank under it. About the time when the Secretary's proposition for allowing a standing deposite was made to this bank, there was a balance remaining in bank, over and above what could be expended there, of upwards of $640,000; and this, too, after the bank had transferred upwards of $100,000. This large balance had accumulated in rather less than a year. Taking into consideration the revival of credit among the Western banks, which had then taken place, it was reasonable to suppose that the payments into that bank would not decrease more than one half during the next year; upon this supposition, the amount to be transferred under the arrangement would be about $320,000 a year. The risk and cost of transferring money from St. Louis to Louisville, which was the nearest point to which it could be transferred, has been stated by the President of the bank, in his letter of the 29th November, 1819, to be at least three per cent., which upon that sum would be $9,600; and that was reasonably to be looked to, at the time the arrangement was made, as the value of the service probably to be rendered under it, in this respect, by the bank to the Treasury.

It is true that, from causes not then to be foreseen, the subsequent payments into the bank fell short of what had been anticipated. But it is also true, that the whole of the stipulated standing deposite was not always on hand. It has already been stated that this standing deposite was, at all times, liable to be drawn upon by the Treasury. By the Treasurer's statement of quarterly balances, accompanying the Secretary's report to the House, of February 27th, 1823, it appears that it had been so drawn upon, and that, at the close of six different quarters, the whole amount in bank, for which drafts had not actually been issued, was less than the stipulated amount of standing deposite by an average of $20,000. By a statement accompanying the letter from the President of the bank, of the 30th June, 1821, it appears that, at the close of ten successive months, "the whole sum in bank was actually less than the amount of the stipulated deposite by an average of $20,000;" and if, at all other times during the two years' continuance of the arrangement, the full amount were in bank, the average of the sum actually in bank, during the whole period, would have been but $140,000. But, it is to be observed that, in estimating the value of such a deposite to a bank, the certainty of its continuance, for a given time, at least, is to be taken into consideration. In respect to this standing deposite, there was no such certainty; it depended wholly on the convenience of the Treasury. It was constantly subject to drafts for any part, or even the whole, and it was frequently drawn upon. The idea, therefore, that this stipulation, in regard to the standing deposite, was equal to an allowance to the bank of $9,000 a year, is wholly fallacious.

It is proper to look, on the other hand, to the services rendered by the bank. During the continuance of the arrangement, the bank transferred, at its own risk and cost, $454,000 in cash, and about $38,000 in notes in kind. Calculating, then, the value of the transfers at the rate stated for transferring to Louisville, which was the nearest point, at three per cent., and the value of the standing deposite actually on hand at six per cent. a year, (the rate of interest,) it appears that the services actually rendered by the bank, in transferring the public money, may be estimated to amount to $17,800; and that the benefit enjoyed by the bank from the standing deposite, without making any deduction on account of its uncertainty, may be estimated at $16,000; thus leaving a balance in favor of the bank. But, allowing the advantage and the service to be equal, in this respect, nothing then remains but the advantage derived by the bank from the temporary and uncertain possession of the surplus which sometimes remained over and above the deposite, as a compensation for all its other services, in becoming responsible for the notes received by it, in converting them, as far as was requisite, into such funds as might be transferred to the United States Bank, or as might be required in payment of Treasury drafts, which were always demanded in specie or its equivalent; and which, as appears by the letter from the President of the Bank, of the 30th June, 1821, were always so paid. Hence it appears that not only were no undue advantages intended to be granted to the bank by the arrangement, but that, supposing the payment of the debt now due by it to be secured with interest, (as is believed to be the case,) the bank has actually enjoyed no advantages under the arrangement for which it will not have rendered an equivalent.

It is true, this bank has failed. But, it appears by a document produced and relied upon by Mr. Edwards, that after a thorough examination by order of the Missouri Legislature, that its failure is not attributable to any act of dishonesty on the part of the directors, but to that cause only which has produced a general suspension in the Western country; and that, "with a reasonable indulgence, it will be enabled to redeem its notes and pay all its debts." The sum due by it to the Treasury is already in a course of payment, and its ultimate discharge with interest is deemed, by persons who are well acquainted with the security, to be well secured.

The correspondence which led to the reception of the uncurrent notes, which Mr. Edwards has charged the Secretary with having improperly received from the Bank of Missouri, commenced with the letter of the President of the Bank, of the 9th of August, 1819. He there proposed, among other transfers, to transfer $50,000 in such paper of North and South Carolina and Georgia as was authorized to be received; $40,000 in notes of the Bank of Virginia; $103,000 in notes of the Bank of Kentucky and its branches; $15,000 in notes of the Bank of Vincennes; and $70,000 in notes of the Banks of Tennessee, (such as were authorized to be received;) and $25,000 in such Ohio notes as were authorized to be received,—all of which were then in bank.

It is to be observed that the letter in which this proposition was made, is the same letter which contains the acceptance by the bank of the arrangement under which it was for the first time to be responsible in cash for all the public money which it might receive. If then it can be shown that these notes had been previously received on account of the Treasury, and were at that time on hand, the agreement of the Secretary to receive the whole or any portion of them, so far from being a subject of blame, was an obligation of duty.

It is also to be observed that all notes which the bank here proposed to transfer were not actually transferred. Before the Secretary's answer was received, the bank had, on its own account, otherwise disposed of a great portion of them; and there were finally transferred the following:

Of Tennessee notes, viz:	
Bank of Tennessee and branches - -	$40,156
Nashville Bank and branches - - -	29,844
Of North Carolina notes, viz:	
State Bank of North Carolina - - -	42,000
Of District notes, viz:	
Mechanics' Bank of Alexandria - - -	890
Franklin Bank - - - - - -	285
Of Ohio notes, viz:	
Farmers and Mechanics' Bank of Cincinnati	11,845
Miami Exporting Company - - -	8,661
Bank of Cincinnati - - - - -	3,846
Bank of Muskingum - - - - - -	291
Farmers, Mechanics, and Manufacturers' Bank of Chillicothe - - - -	350
Bank of Marietta - - - - -	4
Bank of Steubenville - - - - - -	7
Making together - - - -	$138,179

The Kentucky Bank notes mentioned in the Secretary's letter of the 2d March, 1820, were not transferred—having been otherwise disposed of by the bank. Nor were the Georgetown Bank notes, mentioned in the same letter, then transferred; and it is only within a few days that the Treasurer has received from the agent of the Missouri Bank an order for transferring them.

That the notes, thus received from the bank, had been properly taken by the Receivers, will appear from the instructions given to those officers by the Secretary, copies of which are herewith transmitted; and that, at the time those instructions were given, they were considered, by the Secretary, as the notes of banks which discharged their notes in specie, on demand, and, consequently, notes which, by the resolution of Congress of the 30th April, 1816, were authorized to be received in payments to the United States, is manifest from the terms of the same instructions, in which the Receivers are positively interdicted from taking the notes of any bank which does not discharge its notes on demand in specie.

That these notes were received by the bank from the Receivers, during its first arrangement with the Treasury, and, consequently, previous to its engagement to account as cash, and that, at the time they were offered to the Secretary, they were actually in the possession of the bank, is established by evidence adduced by Mr. Edwards himself. This evidence is statement E, prepared at the Bank of Missouri, and laid before the Missouri Legislature by a committee which was appointed to examine the report of the bank, and which committee represents itself to have had before it, and carefully examined, the books, notes, and such other papers of the bank, as were necessary. The statements is "Of moneys on hand, September 6, 1819, received of the several Receivers of Public Moneys, being such as they were authorized to receive, by the honorable William H. Crawford, Secretary of the Treasury." It purports to have been taken from a register kept by the Cashier of the bank, from the 8th August, 1818, to the 6th September, 1819; which period includes only twenty-seven days not embraced by the first arrangement, under which the bank was accountable only in kind. By this statement, it appears, that the bank had then on hand, notes, taken from Receivers, of a description not receivable by it on general deposite as cash, amounting to $569,064; of which $283,757, were of the kinds transferred by it to the Treasury. Hence, it appears, that, instead of the Secretary's having received of the bank uncurrent notes which he was not bound to receive, the bank not only took upon itself the conversion into cash of other notes, to a large amount, which it had a right to pay over to the Treasury in kind, but that of the very description of notes which Mr. Edwards has censured the Secretary for having received, the bank had actually a right to require that he should receive more than double the amount of what he did receive.

It would be a great mistake, however, to suppose that the notes, which were received of the Bank of Missouri, were the notes of insolvent banks. Those of the Bank of Tennessee, and its branches, were immediately placed to the credit of the Treasurer as cash; those of the Nashville Bank and its branches, and of the North Carolina Bank, have long since been paid; those of the Mechanics' Bank of Alexandria, Bank of Marietta, and Bank of Steubenville, were cashed by the banks to which they were transferred; of those of the Miami Exporting Company, $5,220 76, have recently been collected. Thus, of the whole amount transferred, there remains unpaid only about $22,000, and, of this sum, it is believed the greater part will be ultimately paid.

Considering the state of the currency in the West, during the time, and the large amount received by this bank, which was about $1,164,000, it is doubtful whether any individual transactions, of equal extent, though attended to with great care, would have been followed by less ultimate loss.

That the charge of having favored this bank, at the sacrifice of the public interest, is without foundation, must be evident from the facts which have been here exhibited. That the bank does not consider itself as having been favored by the Treasury, is proved by the fact that a claim has been preferred by the bank for an allowance, upon the ground that the services, which it has rendered to the Treasury, have not been sufficiently compensated. And it is a remarkable coincidence of circumstances, that, at the very time that a charge is preferred by Mr. Edwards against the Secretary, for having done too much for that bank, the agent of the bank is at Washington, petitioning Congress, because the Secretary has done too little.

The transactions with the Bank of Missouri being thus explained, the only other acts, included in the charge against the Secretary, of having received uncurrent funds, in payment from banks, are the receipt of $15,000, in notes of the State Bank of North Carolina, and $18,562, in notes of the Bank of Kentucky; the former from the Tombigbee Bank, and the latter from the Bank of Edwardsville.

Although, by a rigid construction of the arrangement, by which these Banks agreed to account for the public deposites, received by them, as cash, the whole amount might, perhaps, have been demanded of them in specie, or United States' Bank notes; yet, such was never the intention of the parties. The term "cash" was used, in opposition to that of "special deposite," and was not meant to render the banks liable for the payment of specie, for notes, which they might receive, on behalf of the Treasury, and which might cease to be convertible into specie. Such a construction is opposed by the Tombigbee Bank, in its letter of the 13th of August, 1819, [see M. No. 5, [66,] although the President of that institution expresses its willingness to leave the construction to the "justice and liberal policy" of the Department. It is more emphatically disclaimed, however, by the Bank of Edwardsville, in its letter to the Secretary, of the 18th of April, 1820, [see G. No. 3, [66,] and in his letter to Mr. Edwards, of the 6th of January, 1820, [see A. No. 2, [119,] heretofore referred to. In that letter the bank maintains that "It is not supposed that any construction of the conditions, upon which the deposites were received, can render the bank the guarantee of those banks, because it would be contrary to every principle of reason, to suppose that the paper of other banks, who have, or may, suspend specie payments, shall, by the mere act of deposite, in this Institution, by the Receivers, be converted into specie, or its equivalent, and this bank held accountable for it as such. We are persuaded this never was the intention of the Secretary of the Treasury, nor can be inferred, from the conditions upon which the deposites are made." This letter, as it was written by the President of the bank, to one of its Directors, whom it had constituted an agent for negotiating a modification of its arrangement, with the Treasury, may be naturally supposed to contain its real views. And, although Mr. Edwards now denies the construction then contended for, by the bank, yet, from the terms in which he communicated the letter to the Secretary, it is presumed that he then gave it his assent.

But, although this construction could not be formally acknowledged by the Secretary, without leading to the evil which the terms of these arrangements were partly intended to prevent, that of "special deposites," yet, it was always his intention, whenever the case presented itself, to admit such an interpretation of the contract, as might be equitable, and not injurious to the public interest. The letter of the Tombigbee Bank, of the 3d of August, 1819, stating that there were then on hand, in that institution, $15,000, in North Carolina notes, which had been received, on deposite, for the Treasurer, and which it had not yet been able to exchange, although no care had been spared in effecting that object, "since some difficulties were understood to affect the bank," presented a case of this kind. At that time, the State Bank of North Carolina had not stopped payment, although it did so before the Secretary's answer was communicated to the Tombigbee Bank. The Secretary, having called upon the State Bank to disclose the means of paying such of its notes as had been received, on account of the Treasury; and having been informed, by the bank, that it did possess the means, and would speedily apply them to that object, consented that these notes should be transferred, from the credit of the Treasurer, in the Tombigbee Bank, to the credit of the Treasurer, in the State Bank of North Carolina; and, by that bank, they were afterwards paid, as were all the other claims, of every kind, which the Treasury had upon it.

The case of the Edwardsville Bank, added to the equitable considerations which were presented in that of the Tombigbee Bank, were considerations of policy. The communication of the Hon. R. M. Johnson, made on behalf of the bank, and referred to in the Secretary's letter of the 2d February, 1821, [see G. No. 8. [66,] which communication was made with the concurrence of Mr. Edwards, stated that the bank had on hand upwards of $20,000, in notes on the Bank of Kentucky, which had been received on account of the Treasurer before the suspension of specie payments by the bank. This representation being corroborated by an examination of the bank statements and certificates, as appears by the Secretary's report to the House, of the 27th April, 1822; and there being then some reason to apprehend a want of punctuality or of good faith on the part of the Bank of Edwardsville, the Secretary consented that these notes should be transferred at the risk of the bank, from the credit of the Treasurer in that bank, to the credit of the Treasurer in the Bank of Kentucky. In doing so, the Secretary considered himself not only satisfying the demands of equity, but promoting the public interest; inasmuch as the Bank of Kentucky, though it had suspended the payment of specie, was known to be solvent. Although the notes, thus transferred, have not yet been paid, the most positive and formal assurance has been given, that the debt is perfectly safe, and will most certainly be repaid at no very remote period.

Mr. Edwards has offered an extract from the Secretary's letter of the 11th of December, 1818, to the President of the Planters and Merchants' Bank of Huntsville, as proving that the Secretary's conduct in receiving these notes, is at variance with his own interpretation of the obligations of the banks in that respect. But, by referring to the letter itself, it will be found that, in presenting the extract, an important omission has been made, by which the Secretary's opinion on the point is wholly misrepresented. As quoted by Mr. Edwards, the passage is in these words: "In making the Planters and Merchants' Bank of Huntsville a place of deposite, at its particular solicitation, it was expected that the transfer of funds which it undertook to make, would be effected in funds that circulated at par, at the place where the transfer was directed. As the Receiver had been directed to receive the bills of no banks which did not discharge them in specie on demand, it was expected that the bank would be answerable for the amount deposited, in specie, or in bills which would be received as specie, at the place to which the money should be directed to be transferred, unless it should state the contrary. "But," as continues the Secretary, (and this is the part omitted by Mr. Edwards,) "as no explanation of this nature has been made or sought on either side, this requisition will not be rigorously required." There is, however, no question concerning this bank, as no uncurrent notes were ever received from it.

The charge of having received uncurrent notes from the Banks of Missouri, Edwardsville, and Tombigbee, contrary to the agreement with those banks, and contrary to law, being thus answered, there remains, in connexion with this branch of Mr. Edwards's accusation against the Secretary, only that of having, in his report to Congress, misstated the amount so received. Upon a thorough examination, however, it is asserted, that all the notes received from those banks, for which the Treasurer did not receive a cash credit in the banks to which they were transferred, were specified in the report made by the Secretary on the subject, with the exception of $285, in notes of the Franklin Bank of Alexandria, which formed part of the funds received from the Bank of Missouri, agreeably to his letter of 20th of March, 1820, but which, in his report of the 14th of February, 1822, were accidentally omitted to be mentioned. That there was no intentional concealment on this subject, is evident, from the manner in which the Secretary complied with that part of the resolution which referred to it. By the resolution he was required to state whether any uncurrent or depreciated paper had been received from certain banks, which the Government was not bound to receive. As the Secretary was of opinion that all the paper of that description which he had received from those banks, was paper that he was bound to receive, he might, without blame, have answered, that none such as were alluded to in the resolution had been received. Desirous, however, to put the House in possession of all the facts, he stated what uncurrent paper had been received, and why it had been received; and he included in the statement paper to the amount of several thousand dollars, which, at the time he made his deposite, had actually been paid in cash. Under these circumstances, it might have been reasonably supposed that this trivial omission was, as was truly the case, wholly accidental and unintentional.

The charge of withholding letters and information called for by the House, rests upon no better foundation. This, however, may have originated in part, in the want of attention to the true import of the resolution under which these letters and information were called for. The resolution of the House, of the 9th of January, 1822, as printed, required "a statement showing in what banks the moneys received from the sale of the public lands have been deposited since the 1st of January, 1818; the contracts under which the said deposites have been made; the correspondence between them and the Treasury Department relative thereto," &c. It has been doubted whether, according to the proper rules of construction, the correspondence here called for, related to any thing more than the contracts. It is believed, however, that this doubt gives place to certainty upon an inspection of the resolution, as transmitted to the Secretary by the Clerk of the House, between which and the resolution as printed, there is a remarkable difference in the punctuation. That which appears in the latter as the first member of a sentence, terminating with a semicolon, is, in the original, (see annexed No. 41, which is herewith transmitted,) a complete sentence ending with a period. By this difference, the words "relative thereto," are made applicable exclusively to the contracts; and, of course, the correspondence required by the resolution is the correspondence between those banks and the Treasury, relative to the contracts under which the moneys received from the sales of public lands since the 1st of January, 1818, have been deposited.

It will be seen, however, that, in the collection of the correspondence, it was not confined to that object; but, that, in addition to every thing which related thereto, there was communicated so much of the other correspondence with the banks referred to, as would enable the House to form a just opinion of the whole subject, not only of the arrangements with these banks in this particular, but of the relationship subsisting between them and the Treasury.

The resolution of the House, of the 12th of March, 1822, had reference only to three banks, those of Edwardsville, Tombigbee, and Missouri; it called for no correspondence except in relation to the Bank of Missouri, and, as it required all the correspondence in relation to that bank, not before communicated, all such correspondence as could be found was transmitted. Yet, although these two resolutions are distinct from each other in their requirements, Mr. Edwards affects to consider every letter which was communicated under the latter as having been improperly withheld under the former.

That some of the papers transmitted under this resolution might not, with propriety, and perhaps with advantage, have been sent under the first resolution, is not asserted. Whether any such, if any such there be, were accidentally omitted, or whether they were not deemed necessary to an understanding of the subject, is not now recollected. As there was no consciousness on the part of the Secretary that any of his transactions required concealment, or merited censure, and as it was supposed that the object of the resolution was exclusively to obtain information, the whole aim in selecting the papers and making the communication, was to put the House in possession of such information, and such only, as would best serve to elucidate the subject to which it related.

But, to whatever cause the omission of any of these papers is attributable, the omission itself is unimportant. It is believed that the papers communicated under the second resolution, or the great mass which has been communicated under the third resolution, disclose no new fact which it was important, in relation to the subject of the resolution, either to communicate or to withhold. The idea of concealment was wholly out of the question. The delicate nature of many of the letters communicated under the first resolution, shows, perhaps, a leaning the other way. But, there was really nothing of moment to be concealed. The general outline of the arrangements with the Western banks was well known. They had been published in most of the newspapers in the countries interested in them; and they were familiar to many gentlemen in Congress, some of whom had been among the first to press upon the Secretary the necessity and advantage of such arrangements.

Disclaiming, then, in the most unqualified manner, any wish or intention in the Secretary, of concealing any part of his conduct in relation to those banks, the opinion is confidently repeated, that, after an examination of all the correspondence that has been, at various times, communicated to the House, it will be found that, although more ample details are exhibited, because the papers subsequently presented are more numerous, as clear and faithful a view of the connexion between the Western banks and the Treasury, was presented under the first resolution, as is exhibited in the whole mass of the correspondence. But, if the fact were otherwise, nothing could be more unjust than to consider the omission of every letter not communicated under that resolution, as a suppression with an improper design.

Although these explanations may be deemed a sufficient answer to Mr. Edwards's charge of suppression, generally, yet, there are some particular instances which he has specially dwelt upon, and to which he attaches particular importance, that it may be well specially to notice. The first of these is, the circumstance that "extracts" were communicated instead of entire letters, in parts of the correspondence with the Planters and Merchants' Bank of Huntsville. By referring to the letters alluded to, and which have been transmitted entire, under the last resolution of the House, it will be seen that the parts omitted to be communicated, relate to an occurrence wholly of a temporary nature, entirely unimportant in itself, and having no bearing whatever on the subject of the call. It seems that, after the termination of the arrangement between the Bank of the United States and the Bank at Huntsville, the Cashier of the former drew certain drafts upon the amount standing at his credit in the latter bank. These, the Bank at Huntsville declined to pay, under an erroneous idea that it was accountable to the Treasury for the money.

As soon as this was made known to the Secretary, he wrote to the Huntsville Bank, to remove the misunderstanding. The bank justified itself by quoting certain expressions of the Secretary's circular, of July, 1819. The Secretary replied that, if the bank had quoted correctly, the circular must have been imperfect, and desired to have it sent back for examination. It was sent back; was found to be inaccurately copied; the misunderstanding was removed; the drafts were paid; and there the whole matter ended. In the passages relating to this subject, notice was also taken of the accidental omission of the bank to render some returns. These are the parts of the letters in the correspondence which were not communicated; and this explanation will show with what little reason it has been inferred that every omission in the correspondence contains something which the Secretary must have an improper motive to conceal.

These observations apply to all the extracts transmitted in that correspondence, except the letter of the President of the Huntsville Bank, of the 30th September, 1819. As this letter does not appear to have been transmitted under the last resolution, it is presumed to have been mislaid. The purport of the preceding part of it is not recollected, but search is now making for it, and as soon as it is found, it will be communicated.

An additional importance is attached, by Mr. Edwards, to the circumstance of "extracts" being sent in this case, as contradicting that part of the Secretary's testimony before a former select committee of the House, which, speaking of the correspondence generally, states that, in consequence of the pressure of business, the original letters and rough drafts had been communicated under the resolution of the 14th February, 1822. No such contradiction, however, can be imagined without misinterpreting the obvious import of the Secretary's words. He spoke of the communication generally; and it is a fact well known, that it consisted almost entirely of originals and rough drafts. But it is irreconcileable with common sense, to suppose that he meant to convey the idea that papers which bore on their face the title of "extracts," which he had himself communicated and described as "extracts," were either originals or rough drafts.

Neither the Secretary nor Mr. Dickins has any where said, in their testimony, as Mr. Edwards supposes, that the latter delivered all the originals and rough drafts to the Secretary, and that the Secretary sent them all to the House. The fact is otherwise. All the correspondence with the banks referred to, was not called for, as has been already shown; nor was it ever asserted that all was sent. Mr. Dickins collected, as he has stated, all the correspondence that he could find, filed and unfiled, that was likely to have any bearing on the subject; from this he selected such as, in his judgment, was required by the resolution; and such "extracts" as were made, were made under the exercise of this judgment. After the papers had been thus selected and arranged, he laid them before the Secretary, together with such statements in relation to other parts of the resolution, as the Secretary might require for his report. These papers were in the possession of the Secretary while he prepared his report, but were referred to no further than was necessary for that object; and the correspondence thus prepared by Mr. Dickins, was transmitted, in the same state, to the House. This circumstance will explain the appearance of the marks on the passages which Mr. Dickins has stated to have been marked by him for the purpose of calling the Secretary's attention to them, and which, if they had been observed by the Secretary, would have been acted on by him, either by directing the marks to be removed, or extracts excluding those passages to be prepared.

To remove all pretext for the insinuation which Mr. Edwards has founded upon the circumstance of Mr. Dickins having been employed to select the papers, in this case, instead of Mr. Jones, the Chief Clerk, to whom it had been usual to commit the selection of papers required by Congress, it is proper to state, that the resolution of the House did, in this instance, take the usual course of reference to Mr. Jones; and that it was at his request, and upon his suggestion of the propriety of referring it to Mr. Dickins, because of his better knowledge of the subject, that the duty was transferred to him.

There is one other omission in the correspondence which has been emphatically alluded to by Mr. Edwards, and which shall, therefore, be particularly noticed. It is a letter from the Secretary to the President of the Bank at Huntsville, of the 9th of July, 1819; and is more than once referred to in other parts of the correspondence: whether it had been communicated or not, was never a subject of investigation with the Secretary, until the notice taken of it in Mr. Edwards's address rendered the inquiry necessary. After a thorough examination, however, it could not be found, either among the records or rough draughts; but, on referring, as a last resort, to a file of confidential correspondence which is kept by Mr. Jones, the rough draft of the letter was there discovered. A copy of it is herewith transmitted. According to the views with which the correspondence was selected, under the first resolution of the House, this letter was one which would have been then communicated. It is believed, however, that the sentiments and opinions disclosed in it, are far from furnishing a subject of blame to the Secretary; and, as he had communicated a letter of similar import, written on the same day, to the Tombigbee Bank, it may be inferred, that he was not withheld by any improper considerations of delicacy in respect to the matters to which they both relate, from communicating this letter also. It is believed that the letter to the Tombigbee Bank, of the 9th of July, 1819, was also marked "confidential," and the opinion is strengthened by the reference made to it as "confidential," by the President of the Bank, in his letter of the 13th August, 1819. The word "confidential," was probably omitted through inadvertence, in the copy that was retained in the Department; and thus it went upon the ordinary records. If this opinion is correct, the communication of this letter corroborates the fact that the omission to communicate the letter to the Huntsville Bank, was not owing to the matters it contained, but to the circumstance of its being on a file not before the person by whom the correspondence was selected.

The Secretary is not aware, that any other letters on the confidential file appertain to the objects of the present inquiry. He submits, however, such of them as are addressed to banks, to the examination of the committee. He takes the occasion, also, to tender to the committee, as he did to the committee appointed under the resolution of the 6th of February, 1823, the inspection of any of the records or correspondence in the Department, that may be deemed necessary to elucidate any of the matters connected with the inquiry.

Having disposed of all the minor topics of accusation brought against the Secretary in Mr. Edwards's address, it now remains to notice the grave charge which he has preferred, of having mismanaged the national funds. As far as this charge is founded upon the particular transactions which have formed the subject of the foregoing observations, it is presumed to be sufficiently refuted. The only remaining ground of charge then is, the measure of employing the State banks as depositories of the public moneys in the Western country.

The circumstances by which this measure was rendered necessary, and the views with which it was adopted under the sanction of the President of the United States, have already been explained in the Secretary's report, of the 14th February, 1822, and in his letter to the select committee, of the 24th of February, 1823, to which a reference is now requested. It may be proper, however, to remark here, that, throughout the Western country, a general and severe distress had followed the resumption of specie payments. On the part of the Treasury, every disposition had been entertained to make the demands of the Government press lightly on a suffering people. With this view the Receivers and Collectors had been authorized, generally, to receive in payments to the United States all the specie paying bank notes in circulation; and the Bank of the United States had liberally seconded the views of the Treasury, by authorizing the reception of these funds from the Receivers and Collectors. This experiment, though it gave relief to the public debtors, had been found injurious to the welfare of the bank; and, by a proper regard for its own safety, that institution considered itself constrained to decline the reception of almost all of those funds which form the currency of that portion of the country, and of those which alone it could prudently take, scarcely any were in circulation. What effect this change had upon the state of things may be inferred from a few extracts from some of the communications which were about that time made to the Secretary in relation to the subject.

"The debtors of the United States," say the Directors of the Bank of Vincennes, in their memorial of the 9th January, 1819, "in the Western country, labor under distressing and almost insuperable difficulties in meeting their engagements; not so much from the want of means; as from the scarcity of such funds as are receivable in payment of public lands. Should the country continue in its present situation with respect to these funds, many an honest citizen, many an industrious farmer, who has migrated to this country, and has paid his last eighty dollars as a first instalment on his quarter section of land, will be compelled, at the end of five years, to leave his favorate spot, his cabin, and all the comfortable improvements, which the labor of his own hands has acquired, and with his wife and children, seek a new home, without money to procure it. And why? Because the produce of his farm, although he may have an abundance to spare, will not command such funds as Government demand for the completion of his payments. Other representations, which are herewith transmitted, from Senators and Representatives, whose character is a sufficient guarantee for the truth of their statements, corroborate these views. The Hon. Mr. Herrick, in a letter of the 11th of March, 1818, considers the adoption of some measure on the subject as desirable, as well with a view to relieve the people, as to preserve their affections for the present administration of the General Government. The Hon. Waller Taylor, in a letter of the 31st March, 1818, encloses a letter from a respectable source, stating that twenty per cent. had been given by those who had payments to make in the land offices, to obtain such money as would be received; that few entries of land were made; and that many who had come from a distance to enter land, had gone away without doing so, because the money they had brought, though consisting of the notes of banks of established character, could not be received. And Mr. Taylor concurs in opinion, that the operation of the existing system was prejudicial to the purchasers of public lands, as well as the citizens of the State. In a joint letter addressed to the Secretary, on the 18th April, 1818, by fourteen Western members of Congress, viz: the Hon. Joseph Desha, William H. Harrison, Robert Moore, Henry Baldwin, William Hendricks, James Noble, Waller Taylor, Richard C. Anderson, Levi Barber, Thomas Speed, John W. Campbell, Samuel Herrick, Peter Hitchcock, and Philemon Beecher; these gentlemen all concur in stating, that "every mail from the West brings us the complaints and requests of the people, on the subject of the pecuniary state of our country;" and they conclude, by recommending, as a measure of vital importance, the redemption of such Western paper of specie-paying banks, as were in good credit. The Hon. J. McLean, of Illinois, in a letter of the 5th of June, 1819, speaking of one of the districts in that State, makes the following representation: "I am well assured, from my own knowledge, and the letters of respectable gentlemen in that part of the country, that, if every note that will be received in payment of land, and every dollar of specie that is in the country, were in the hands of those indebted to the Government for land, it would be insufficient to enable more than one tenth man of our settlers to comply with his engagement. I almost daily receive letters from the people of Shawneetown Land District, and of that part of Illinois included in the Vincennes District, stating that they are in a situation truly distressing, and that, unless there be some amelioration in the directions to the Receivers, that the time is but very short, until they expect to see the little farm and dwelling they have provided for the support and shelter of themselves and family, torn from them by the merciless avaricious speculator. I am sorry to be constrained to say, that their apprehensions are but too justly predicated, and that they represent facts."

These are letters which have presented themselves on a hasty reference to the files of the Department. It is well remembered, however, that numerous and earnest personal representations were made by other gentlemen in Congress, both as to the pecuniary distresses of the Western country, and the necessity of a change in the existing regulations. Representations like these, could not be received with indifference. It is to be recollected, also, that, at the time when this state of things existed, the debt due for public lands amounted to about twenty millions of dollars; the greatest part of which had been contracted during the suspension of specie payments. Upon mature reflection, therefore, and with the approbation of the President, it was deemed advisable to make the arrangements with the Western banks, which are the subject of Mr. Edwards's condemnation.

The details of these arrangements are so fully exhibited in the Secretary's former communications on the subject, that it is not thought necessary here to explain them.

As far as the interests of the people, and of the Treasury, were concerned, it is believed that those arrangements were not merely defensible, but commendable. As far as the measure affected the interests of the Bank of the United States, it is believed to be equally deserving of approbation. In a letter written by the Secretary to the President of that institution, on the 14th September, 1819, he thus explained the motives which, as far as the bank was concerned, influenced his course on the subject:

"It has been my constant endeavor, for more than twelve months past, to prevent, as far as practicable, all collision between the Bank of the United States and the State banks; as far at least as that collision might be connected with the transactions of this Department. It is not my intention, therefore, to give drafts upon the State banks for public money, without previously arranging with them the mode of payment.

"Acting upon the same principle, I have endeavored, in the course of the present year, to make arrangements with the State banks in the Western States, by which they should become the depositories of the public money collected in that section of the Union. I considered the deposites there positively injurious to the bank, for the following reasons, viz:

"1st. That the offices had already extended their discounts in Ohio and Kentucky, further than was consistent with the interest of the bank.

"2d. That every dollar deposited in them on account of the Government, that could not be disbursed there, would have to be employed in discounts, or transferred to the bank in Philadelphia, or its Eastern offices.

"3d. That owing to the state of exchange, transfers could only be made by the transportation of specie across the mountains.

"4th. That, owing to the geographical position of Kentucky and Ohio, the public expenditure would be extremely limited.

"5th. That the transportation of specie from the Western to the Eastern States, by the bank, invariably had produced, and would continue to produce, irritation in the public mind against the bank.

"An additional reason for endeavoring to make State banks in that section of the Union the depositories of the public money, was to increase the receipts, by enabling the public debtors to pay in the notes of specie-paying banks, which would not be received by them, without increasing that collision, which it was my desire to diminish."

These views, it is believed, were too just, not to meet the approbation of the distinguished individual who presided over, and of the enlightened Board which then directed the affairs of, that institution. Accordingly, Mr. Cheves, in his answer of the 5th October, 1819, thus expresses himself: "The Board entirely concurs with you in the views you take, as to the Government collections and deposites in the Western States, which they believe to be calculated to ease the moneyed pressure on that portion of the country, as well as to meet the interests of the Government, and relieve the bank from embarrassing collisions with local banking institutions."

It happened, however, that, in three of the places where the banks were situated, with which the Secretary had made these arrangements, branches of the Bank of the United States were also established. By the charter of that bank, it was the duty of the Secretary to have stated to Congress, at its next session, the reasons why he had directed deposites of the public money to be made in these three banks. This statement, through inadvertence, was not made, as the Secretary has stated in his letter of the 24th February, 1823, to the select committee of the House. But, as a full explanation of the motives of these arrangements had been made to the Bank of the United States, whose interests it was the object of that provision in the charter to guard, and as that institution had approved of the arrangements, and as the arrangements themselves had been published in various newspapers; and as the facts which were to be reported to Congress were of general notoriety, it is submitted, whether the Secretary could have had any motive for withholding the formal communication of the information to Congress.

On the policy of the measure adopted by the Secretary in the employment of the Western banks, it is presumed there can be no doubt. That it has not been entirely successful, is considered to be a subject rather of regret than of censure. But that it has been mainly beneficial it is thought will not be denied by those who candidly examine the subject in all its bearings. And although very little ultimate loss is expected, yet if the whole sum now due by those banks which have stopped payment were to be lost, it is believed that the advantages which have resulted to the country will have been cheaply purchased at that cost.

As some misunderstanding in respect to the special deposites seems to prevail in the public mind, resulting from the misrepresentations that have been made on the subject, it may be proper to take this occasion to remove it.

About the time that the present Secretary of the Treasury took charge of that Department, the special deposite amounted to upwards of three millions of dollars, being, on the 31st of December, 1816, $3,031,459, all of which has since been converted into cash funds, except $291,803. At the date of the Secretary's report of the 22d February, 1823, the amount of the special deposite was $927,107, including the $291,803 above mentioned. Of this sum of $927,107, about $64,000 have since been paid.* Hence, it appears, that of the whole sum now on special deposite, only about $571,000, including the sum due by the defaulting Western banks, have become special during the present Secretary's administration of the Department. When it is considered that this embraces a period of about seven years, during which great disorders have existed, and a great revolution has been effected in the currency, and during which upwards of one hundred and sixty-three millions of dollars have been paid into the Treasury, exclusive of loans and Treasury notes; and that of this sum, upwards of twenty-one millions and a half of dollars having been received from the sale of lands, and internal duties and taxes must have been collected in those portions of the country where the greatest disorders existed; when these circumstances are considered, it is believed that the sum which has become uncurrent during the Secretary's administration of the Treasury, instead of furnishing ground either of censure or surprise by its magnitude, justifies the conclusion, that in this respect, as he trusts will be found the case in all others, the Secretary of the Treasury has not mismanaged the national funds.

In conclusion, the Secretary has the honor to state, that, although it is believed that every material charge contained in the address of Mr. Edwards has now been satisfactorily explained, yet if, in the opinion of the committee, any further explanation be deemed necessary, it will afford him pleasure to give it, either personally or in writing.

WM. H. CRAWFORD.

Mr. Livingston moved that the report be laid on the table, and printed.

Mr. Forsyth hoped that a copy would be sent, by order of the House, to the President of the United States.

The question was divided, and being first put on laying the report on the table, it was carried.

Mr. Cook expressed an intention to address the House, should the report be called up for consideration, and hoped it would be printed in time.

The question on printing was then put, and carried.

Mr. Livingston then offered, by direction of the committee, the following:

"*Ordered*, That the committee, to which was referred the Address of Ninian Edwards, be required to sit after the adjournment of the House, for such time as shall be necessary, in their judgment, for further examination; that any additional report which may be made by them, be filed in the office of the Clerk of the House; and that any three members of the committee be a quorum for the transaction of business."

Mr. Williams wished that the resolution should be suffered to lie on the table for one day.

Mr. Taylor hoped that the House was prepared to act on the resolution without delay.

Mr. McDuffie moved to lay it on the table; and, the question being put, it was carried—ayes 92.

Mr. Forsyth then moved that a copy of this report be transmitted by the Clerk of this House to the President of the United States. He observed, that the same courtesy which had dictated the former communication, when the memorial was presented, and the committee had sent for Mr. Edwards, was proper on the present occasion.

Mr. Webster said, that, with great deference to the honorable gentleman from Georgia, it appeared to him that, when the resolution proposed in the report of the committee should be adopted, it would then be proper to make such communication, but not in the present stage of proceeding.

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* This sum consists of $5,220 76 received from the Miami Exporting Company, $18,726 40 from the Bank of Huntsville, and $40,943 38 in discharge of the debt due by the Branch Bank of Kentucky, at Louisville.

It is believed, however, that it will now be proper to include in the special deposite the sum due by the Bank of Columbia, amounting to $278,361 87; of this sum, all but forty thousand dollars were special when the present Secretary came into the Treasury, and was placed in this bank for the purpose of being converted into cash funds, as stated in the Secretary's report of the 14th of February, 1822. Having effected this object, the bank is not now in a condition to refund the money, but an arrangement has been made by which the payment of it, with interest, has been, it is believed, well secured.

Mr. Forsyth then moved to lay the resolution he offered on the table, till the determination of the House with respect to that reported by the committee should be known.—Agreed to.

PUBLIC LAND DEBT.

On motion of Mr. Cook, the House took up the bill from the Senate, to provide for the extinguishment of the public debt due to the United States by the purchasers of public lands.

Mr. C. offered an amendment, which goes to extend the provisions of the act to a class of settlers not now included in its relief; and supported it by a course of observations explanatory of the circumstances of the case.

Mr. Vance, of Ohio, proposed to amend it by confining its operations to a different class.

Mr. Cook objected to this amendment, as leaving a deserving class of sufferers without any relief.

Mr. Vance suggested to the gentleman from Illinois to modify his amendment, by a proviso, guarding it from misapplication.

Mr. Rankin spoke in opposition to the amendment of Mr. Cook.

When, it being found that a quorum was not present, a call of the House was moved, and ordered.

The roll was called, in part, accordingly, when a quorum appearing, the farther call was dispensed with.

The debate was then resumed by Messrs. Cook, Wood, McArthur, McCoy, Whipple, and Livermore; when all the amendments were rejected. The bill was then read a third time, and passed.

ARKANSAS BOUNDARY.

On motion of Mr. Conway the House, in Committee of the Whole, (Mr. Sharpe in the Chair,) considered the bill to fix the western boundary line of the Territory of Arkansas.

On this bill an animated debate of considerable extent arose, in which Mr. Rankin opposed the extension of the present boundary of that Territory, as violating the provision of Indian treaties, as giving an improper size to the future State into which this Territory will soon be formed. He denied the right of the settlers to the lands they occupied, and contended that that Territory ought to afford a resting place to the Indians from the eastern side of the Mississippi, &c.

Mr. Conway remonstrated with warmth against forty thousand Choctaw Indians turned in among the settlements of Arkansas, to turn out those who had subdued the wilderness, and were surrounded with improvements, the fruit of their own labor, fields, mills, cotton factories, distilleries, &c. He contended that the limits of the Territory should be removed farther to the West, to allow room for these Indians, having a separate home from the whites, &c., and to give strength to Arkansas as a future frontier State.

Mr. Wood made some remarks in opposition to the bill.

Mr. Conway explained.

Mr. Clay advocated the passage of the bill—represented the hardships of the circumstances of the settlers—considered the new Territories as younger daughters in the common federative family, and, as such, entitled to an indulgent policy—denied that the size of the Territory must necessarily govern the size of the future State to be formed out of it, and even if it did, he urged the policy of making Arkansas a strong frontier State. The bill only asks the Indians to consent to remove the line farther west, and does not violate any treaty. It had received the deliberate consideration of the Senate, and he hoped it would pass this House.

Mr. Rankin rejoined. If this extension of the limits be allowed, the whole must be received as a State, or a small section of its western part must remain (probably forever) a Territory, or else the Indians must be driven still farther west.

Mr. Clay responded. If Louisiana was not as large as the gentleman could wish, it was an argument rather for than against this bill. He (Mr. C.) had opposed the treaty by which Texas was ceded, and Louisiana consequently reduced in extent. If Louisiana was comparatively weak, the greater need that the adjoining frontier State should be a strong one.

The debate was further continued by Mr. Wood, Mr. F. Johnson, and Mr. Isacks, when the Committee rose, and reported the bill to the House; and, the question being put on its final passage, it was decided in the negative—ayes 52, noes 56.

Two Messages were received from the President of the United States; the one transmitting an addition to the Digest of Foreign Commercial Law, previously transmitted—the other, certain documents called for in relation to foreign spoliations on our commerce, &c.

And then the House adjourned.

Wednesday, May 26.

Mr. Webster, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act for the relief of the representative of Thomas Robinson, deceased," reported the same without amendment; and the bill was ordered to be read a third time this day.

Mr. Kent, from the Committee for the District of Columbia, to which were referred the amendments proposed by the Senate to the bill, entitled "An act amendatory of an act to incorporate the inhabitants of the City of Washington, passed the 15th of May, 1820," reported their agreement to the same. The amendments were then read, and concurred in by the House.

The amendments of the Senate to the bill for the relief of John Mitchell, agent of prisoners of war at Halifax, with a further amendment, ordering certain parts of his account to be settled on principles of equity, and a balance of five thousand dollars passed to his credit, (lost by the absconding of a third person,) were concurred in.

The resolution, yesterday offered by Mr. Cambreleng, calling for information with respect to the amount of French spoliations, was called up, and being by the mover amended so as to extend to thirty instead of eight years, was adopted by the House.

Mr. **Williams**, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Joseph Forrest," reported the same without amendment; and the bill was laid upon the table.

The resolution laid on the table yesterday, by Mr. **Stewart**, was taken up, read, and agreed to by the House, amended to read as follows:

Resolved, That the Secretary of the Treasury be directed to report to this House, at the next session of Congress, the amount of losses sustained, during the last thirty years, upon bonds given for the duties upon imports, distinguishing the amount in each year; and to state whether any, and, if any, what, measures should be adopted by Congress, to prevent similar losses in future; and, also, what effect the total repeal, or a limitation, of the credits, now given for said duties, would, in his opinion, have upon the revenue.

Mr. **Hamilton** laid the following resolution on the table, for consideration to morrow, viz:

Resolved, That the Secretary of the War Department be instructed to lay before Congress, at the commencement of the next session of Congress, a statement of the present state of the works at Dauphin Island, and of the materials which were collected at that point; as well, also, a statement of the probable loss which the country may have sustained from the suspension of said works; and that he, moreover, be instructed to submit a plan and estimate for the works to be erected on Dauphin Island; provided, the Executive should still deem such fortifications necessary.

The bill from the Senate, entitled "An act for the relief of the representative of Thomas Robinson, deceased," was read the third time, and passed.

The House proceeded to consider the report of the Committee of Foreign Affairs, made on the 24th instant, on memorials and petitions upon the subject of spoliations on the commerce of the United States, committed by authority of the French Government; whereupon, it was

Resolved, That the President of the United States be requested to lay before this House, at the next session, as early as the public interest will permit, the correspondence which may have been held with the Government of France, prior to that time, on the subject of injuries sustained by citizens of the United States since the year 1806.

A message from the House informed the Senate that they have passed bills of this House, of the following titles, with amendments, viz: An act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several departments; An act making further appropriations for the military service of the United States, for the year 1824, and for other purposes; [Indian affairs.] An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes; An act enabling the claimants to land within the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims; in which amendments they ask the concurrence of this House.

The amendments proposed by the Senate to the bill last mentioned, was read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes," were read, and committed to the Committee of the Whole on the state of the Union.

The amendments proposed by the Senate to the bill, entitled "An act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several Departments," were read, and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act making further appropriations for the military service of the United States for the year 1824, and for other purposes," were read, and concurred in by the House.

The bill from the Senate "for the relief of Nimrod Farrow and Richard Harris," was taken up. The report of a committee in the case was read. Mr. **Hamilton** and Mr. **Barbour** stated the history of the transactions to which the bill alludes. The latter gentleman advocated the passage of the bill, and the former opposed it. Mr. **Warfield**, Mr. **Strong**, Mr. **Hamilton**, and Mr. **Cocke**, further opposed, and Mr. **McCoy** advocated the passage of the bill; when, on motion of Mr. **Strong**, the Committee rose and reported progress. Leave was refused to sit again, and the bill was laid on the table—ayes 65, noes 41.

Mr. **Whipple**, from the Committee on the Public Lands, to which was referred a Message from the President of the United States, communicating a report from Alexander Hamilton, a land commissioner in Florida, made a report thereon; which was read; whereon, it was

Resolved, That the President of the United States be requested to cause to be prepared and transmitted to the Commissioners for the examination of claims and titles to lands in Florida, such instructions touching their powers, and the performance of their duties, under the existing laws, as he may deem necessary, from an examination of the report of Alexander Hamilton, one of the Commissioners, and the report of the other two Commissioners for East Florida.

Resolved, That the President of the United States be requested to adopt such means as he may deem necessary for the safe-keeping and security of the public records of the Spanish Government, in relation to lands in Florida.

ARKANSAS BOUNDARY.

A motion was made, by Mr. **Ross**, that the House do reconsider the vote, taken yesterday, on the question, Shall the bill from the Senate, entitled "An act to fix the western boundary line of the Territory of Arkansas, and for other purposes," be read a third time? and on the question, Will the House reconsider the said vote? it passed in the affirmative.

The question was again put, Shall the bill be read a third time? and passed in the affirmative. To-day was then assigned for the third reading of the said bill. The bill was, accordingly, read a third time. And, on the question, Shall it pass? it passed in the affirmative—yeas 70, nays 58, as follows:

YEAS—Messrs. Abbot, Adams, Alexander of Va., Alexander of Tennessee, J. S. Barbour, Breck, Brent, Buckner, Cocke, Condict, Cook, Craig, Cushman, Findlay, Floyd, Foot of Connecticut, Forward, Harris, Henry, Holcombe, Houston, Ingham, Isacks, Jenkins, Jennings, F. Johnson, Kent, Kidder, Kremer, Lawrence, Leftwich, Litchfield, Little, Livermore, Livingston, McArthur, McDuffie, McKim, Martindale, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Neale, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Reynolds, Richards, Rich, Rose, Ross, Scott, Sloane, Standefer, A. Stevenson, J. Stephenson, Stewart, Strong, Swan, Taliaferro, Tattnall, Taylor, Test, Udree, Van Wyck, Warfield, Williams of North Carolina, James Wilson, and Henry Wilson.

NAYS—Messrs. Bartlett, Beecher, Blair, Cambreleng, Campbell of South Carolina, Cary, Cobb, Crafts, Culpeper, Cuthbert, Durfee, Dwinell, Dwight, Eddy, Foote of New York, Forsyth, Frost, Gatlin, Gist, Gurley, Hall, Hamilton, Harvey, Hayden, Hobart, Hogeboom, Hooks, Lee, Lincoln, McCoy, McKee, McLane of Delaware, Matlack, Matson, Moore of Alabama, Nelson, Newton, Plumer of New Hampshire, Poinsett, Rankin, Reed, Sharpe, Alexander Smyth, Spaight, Thompson of Georgia, Thompson of Kentucky, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Vance of Ohio, Webster, Whipple, Whitman, Williams of Virginia, Wilson of South Carolina, Wood, and Wright.

CASE OF NINIAN EDWARDS.

Mr. LIVINGSTON moved for the consideration of the resolution reported yesterday by the committee of investigation in the case of Ninian Edwards. Carried—ayes 83, noes 26.

Mr. A. SMYTH moved to amend the resolution by striking out so much of it as provides that *three* members shall be a quorum of the committee—carried.

Mr. FORSYTH moved farther to amend the resolution by adding a clause directing that a copy of the committee's report and accompanying documents be transmitted to the President of the United States.

Mr. COOK moved to amend this amendment by including the reports of the Secretary of the Treasury to Congress in relation to his transactions with the Western banks; the correspondence laid before Congress on that subject, and the report in relation to the illegal introduction of Africans into the United States, among the papers laid before the President.

On these amendments and the following questions, a debate arose. The gentleman who took part in it were Messrs. COOK, FORSYTH, JENNINGS, and WEBSTER.

Both the amendments were rejected.

On motion of Mr. LIVINGSTON, the resolve was amended so as to direct that the Clerk cause the final report of the committee to be printed and transmit a copy to each member of the House.

The question then recurring on the resolution as amended—

Farther debate took place. In the course of it, Mr. A. SMYTH moved to lay the resolve on the table; which motion was negatived—ayes 49, noes 58.

The question being put on the resolution as amended, it was decided in the affirmative—ayes 74.

So the resolve was agreed to.

CLAIM OF BEAUMARCHAIS.

Mr. MCDUFFIE offered the following resolution:

"*Resolved*, That the President of the United States be requested to avail himself of all the means in his power, to ascertain whether any farther evidence can be obtained in relation to the claim of the heirs of Caron de Beaumarchais; and that, if any such evidence shall be obtained, that he communicate the same to this House, at an early period in the next session."

Mr. MCDUFFIE stated the reasons in favor of the above resolution; the principal of which was, a wish to show the French Government that this country is disposed to do justice in the case of the Beaumarchais claim.

Mr. FORSYTH stated that it formed a part of the instructions of our Minister to France, to negotiate on all just claims of citizens of the two nations against each other's Government, which included this case, and that this proposition was therefore unnecessary.

Mr. MCDUFFIE thought, that, though this was true, yet it was expedient to adopt the resolution, to prevent mistaken impressions, which might be produced by the late vote of this House on that claim.

Mr. SHARPE feared that the resolution might be the means of holding out false hopes to the claimant, that this House might recognise her claim—which were better prevented.

Mr. LIVERMORE observed, that this would be the first instance of the chief executive magistrate of a country's being called on to search for evidence in support of the claim of a private foreign citizen against his own Government. He hoped the resolution would not prevail.

The question being taken upon agreeing to the resolution, it was decided in the negative.

SYSTEM OF BANKRUPTCY, &c.

Mr. WEBSTER submitted the following resolution:

Resolved, That it is expedient to establish an uniform system of bankruptcy throughout the United States.

In presenting this resolve for consideration—

Mr. W. said he presented this resolution now with the intention of asking the House to act upon it early at its next meeting. He thought the next session would be a favorable opportunity to settle this important question one way or the other. Causes were understood to be pending before the Supreme Court in which the power of the States to pass bankrupt laws, so far as to operate on subsequent contracts, was to be decided. The court having heard arguments on that question, and now holding the causes under advisement, a judgment might probably be expected at the commencement of the term. That decision, which ever way made, would present a fit opportunity for taking the sense of Congress on the expediency of a uniform bankrupt law. If the decision should be against the power of the States to pass such acts, then it might be hoped that members from those States which had, in fact, hitherto maintained such laws, might be willing to co-operate with others in the establishment of a general system. If it should be in favor of the State authority, on the other hand, then the question would be, whether it were better to have a general system, under the authority of this Government, or a local system, in each State? In one event, the question would be, between a general uniform bankrupt law and no bankrupt law at all; in the other, between one uniform system and twenty-four different and clashing systems. He had intended to present, not merely a single resolution, but a series of resolutions, describing the outline of such a system as appeared to him expedient to adopt. But other engagements had not allowed him sufficient leisure. He earnestly hoped that members would take this important subject into consideration, and that the House would be prepared to act upon it at the next session.

The resolution was laid on the table.

On motion of Mr. Newton, the House went into Committee of the Whole on the state of the Union, and took up the Senate's amendments to the bill "for the building of certain additional lighthouses, light-vessels, &c. After an extended discussion, a part of those amendments were agreed to, and the residue dissented from, when the result was reported to the House.

[While the House remained in Committee of the Whole on the state of the Union, Mr. Clay rose and said, that he would ask a single moment's attention of the Committee whilst he said only one word in respect to a resolution which he had had the honor to present some time ago. The resolution to which he referred was that which proposed an expression of the feelings of Congress in regard to an attack supposed to be meditated by Allied Europe upon the independence of Spanish America. He had offered that resolution in consequence of information disclosed in the President's Message, at the opening of the present session of Congress; and most certainly, if the design imputed to the Allies had really been entertained, every consideration connected with the interest, the safety, and even the independence of this country, called for the most deliberate attention to his proposition. But such a purpose, abominable as it would have been, ought not to be attributed upon any other than the strongest evidence. Events and circumstances, subsequent to the communication of the Message, evinced, that, if such a purpose were ever seriously entertained, it had been relinquished. For his part, whilst he was disposed to keep a vigilant eye on every movement of the Allies, as to America, and to be ready to give his feeble co-operation to every measure calculated to repel their aggressions, if any such should be attempted, on the independence of any part of America, he was, on the other hand, unwilling to give them any just cause of offence against us. But, to pass the resolution, after all that has occurred—in the absence of any sufficient evidence of their cherishing inimical designs on this continent—might be construed by them as unfriendly, if not offensive. Under the full conviction, therefore, that they did not entertain any purpose so diabolical as that would be of attempting to reduce Spanish America to its ancient subjection, or of compelling it to adopt the monarchical form of Government, he should continue to abstain from pressing upon the attention of the House his resolution; and should allow it to sleep where it now reposes, on the table.]

And then the House determined to take a recess until seven o'clock, P. M.

Evening Session, May 26.

The House resumed its session.

The bill from the Senate "in addition to the several acts regulating naturalization" was taken up and passed.

COMMITTEE ROOMS, &c.

Mr. Taylor, from the Committee appointed to make distribution of the rooms in the Capitol appropriated to the use of the House of Representatives, reported that the committee had distributed the rooms in the following manner:

To the Speaker, No 3, of the south wing;

To the Committee of Elections, The room in the fourth story of the centre building over No. 23;

To the Committee of Ways and Means, No. 77 of the south wing;

To the Committee of Claims, No. 50 of the south wing;

To the Committee on Commerce, No. 40 of the centre building;

To the Committee on the Public Lands, The north west corner room of the fourth story;

To the Committee on the Post Office and Post Roads, No. 42 of the centre building;

To the Committee of the District of Columbia, The southwest corner of the basement story;

To the Committee on the Judiciary, The room in the fourth story over No. 14;

To the Committee on Pensions and Revolutionary Claims, No 69 of the south wing;

To the Committee on Public Expenditures, No. 43 of the centre building;

To the Committee on Private Land Claims, No. 39 of the centre building;

To the Committee on Manufactures, The room in the fourth story over No. 15;

To the Committee on Agriculture, The room in the fourth story over No. 22;

To the Committee on Indian Affairs, No. 59 of the south wing;

To the Committee on Military Affairs, The room to the right of the west entrance on the basement story;

To the Committee on Naval Affairs, No. 64 of the south wing;

To the Committee on Foreign Affairs, The southwest corner room of the fourth story;

To the Committee of Revisal and Unfinished Business, No. 70 of the south wing;

To the Committee of Accounts, No. 63 of the south wing;

The Committees on Expenditures in the different Departments, shall have the right of holding their meetings in the rooms appropriated to the committee appointed on the subjects to which they severally relate;

To the Clerk of the House and his Clerks, Nos. 14, 15, 16, of the centre building;

To the Sergeant at Arms, No. 2 of the south wing;

The unappropriated rooms shall be subject to the order and disposal of the Speaker until the further order of the House.

The said report was read; wherepon it was resolved that this House do agree to the same.

The bill "to complete the survey of the southern and western boundaries of the State of Missouri," was taken up, at the urgent instance of Mr. SCOTT, and passed.

The bill "to complete the surveys of the harbor of Charleston, in South Carolina, St. Mary's in Georgia, and the coast of Florida, and for other purposes," was taken up, on motion of Mr. POINSETT, and passed.

On motion of Mr. WHIPPLE, it was

Resolved, That all the bills which have been ordered to a third reading, but which, owing to a rule of the House, cannot be transmitted to the Senate, be postponed to the first Monday of November next.

The bill "more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," was taken up, on request of Mr. SCOTT, and passed.

Ordered, That the bill to authorize the legislature of the State of Ohio to sell and convey certain tracts of land granted to said State, for the use of the people thereof; and the bill authorizing the repayment for land, erroneously sold by the United States; which bills were, on Monday, the 24th instant, ordered to be engrossed and read a third time, respectively, be read the third time on the second Monday of December next.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act supplementary to an act, passed on the 13th of June, 1812, entitled 'An act making further provision for settling the claims to land in the Territory of Missouri;" which was reported with amendments; which were read and concurred in by the House, and the amendments ordered to be engrossed, and the bill read a third time to-day.

Mr. CONDICT moved the following resolution:

Resolved, That the Secretary of the Treasury be instructed to inquire, and report to this House at the commencement of the next session of Congress, what are the material causes of those fatal disasters, which have so frequently occurred on board steamboats, in the waters of the United States; and what regulations may, in his opinion, afford better security to the lives of passengers and crews: And for the purpose of this inquiry, the Secretary is hereby authorized to call to his assistance the knowledge and experience of engineers, and others, skilled in navigating and constructing vessels propelled by fire or steam.

The rule, which requires that a proposition requesting information to be furnished by the Head of an Executive Department shall lie on the table one day, for consideration, being, in the case of the above resolution, dispensed with, by the unanimous consent of the House:

The question was taken to agree to the said resolution, and passed in the affirmative.

On motion of Mr. NEWTON, the Clerk of this House was directed to make the same compensation to the extra clerks, employed to expedite the engrossing and enrolling the bills of the House, as has heretofore been allowed by the committee, for similar services.

The bill from the Senate, entitled "An act supplementary to an act passed on the 13th June, 1812, entitled 'An act making further provision for settling the claims to land in the Territory of Missouri,'" was read the third time, and passed, with amendments.

On motion of Mr. TAYLOR,

Ordered, That the Clerk of this House cause to be prepared a list of all business remaining undetermined, which, by an existing rule, is to be resumed, in the state in which the same now is, and acted upon at the next session of Congress; designating that which is committed from that which is laid on the table; and that a copy of said list, when printed, be forwarded by mail to each member of this House.

THURSDAY, May 27.

The House met at 8 o'clock.

Several communications were received from the President of the United States, announcing his approbation and signature of bills passed by both Houses.

CASE OF NINIAN EDWARDS.

Mr. TAYLOR then rose, and said, that it had yesterday been decided that three members of the Committee of Investigation, in the case of Mr. Ninian Edwards, should not be a quorum of that committee. He had understood that one of the members of that committee had left the United States, and that another was gone home to his residence in Alabama. It was very desirable that the committee should be filled up; and, with a view to that object, he moved that two members be added to the committee, to supply the place of the two members present.

Mr. WEBSTER said, he rose partly to second the motion of his honorable friend, but more particularly to express his astonishment at a paragraph which he had this moment seen in a Richmond paper, of Tuesday, in a communication signed "John Randolph, of Roanoke." The paragraph is in these words:

> "It was at my instance, and not without considerable resistance on the part of a majority of the committee, that the Secretary had the opportunity given him to file his answer to the accusation of Mr. Edwards."

A regard to my own character, sir, said Mr. W., and to the character of the committee with whom I am associated, does not allow me to pass over this statement; and I rise for the purpose of saying that the order in committee for communicating the address to Mr. Crawford, for the purpose of giving him an opportunity of answering it, was not made at the instance of Mr. Randolph; and, further, that no one of the committee made any opposition to that motion. I hope I am fully and distinctly understood—I wish to be so. And I again assert that no one of the committee intimated the least opposition to the motion. Fortunately, the original minutes of the proceedings of the committee are preserved, and the entry, as it now stands, in the handwriting of one of the committee, is as follows:

"April 28, 1824.

"Committee met. All present.

"On motion of Mr. Taylor,

"*Ordered,* That the chairman transmit to Mr. Crawford a copy of Mr. Edwards's memorial, and the accompanying papers, together with a copy of the resolution creating the committee. To which Mr. Randolph proposed the following amendment: 'And inform him that the committee are proceeding in the examination, and that they are ready to receive any communication which he may think proper to make, in reference to the same;' which amendment was accepted by Mr. Taylor; and, thus amended, was unanimously adopted."

Mr. Little, of Maryland, thought the measure proposed by the gentleman from New York was not necessary. He thought the present committee entirely competent to the business which had been referred to them, and that it would be best to leave them to settle their own affairs. It must be a very disagreeable thing to remain confined here after the session of the House was closed, and he would not willingly impose upon another that to which he should be averse himself. He regretted, for his part, that this matter had ever been brought before the House, and that it had been referred to the committee, giving it thus an importance which did not properly belong to it.

Mr. Williams, of North Carolina, observing that the House was very thin, thought it best to defer the consideration of the motion till a fuller House should be obtained; and with that view moved to lay the resolution on the table.

Mr. A. Smyth expressed a hope that the mover would consent to withdraw the resolution.

Mr. Williams said, he could not consider the measure proposed as at all necessary. Every gentleman, he believed, was entirely satisfied with the present committee, and prepared to place every proper confidence in the proceedings—and he wished a division of the House on his motion to lay the resolution on the table.

Mr. Poinsett observed, that there was evidently not a quorum of members present; and from the best information he could obtain, he was induced to believe, that so many had last evening and this morning availed themselves of the various conveyances which were departing in all directions, that there was not a quorum left in the city—and he hoped the gentleman from New York would not persist in his motion.

Mr. Cook then observed, that the remarks of the gentleman from Virginia, yesterday, (Mr. A. Smyth) required of the committee of investigation to ask what had now been moved by the gentleman from New York. He did not think the measure was at all required by the parties concerned. The examination of their case might be safely left to the present committee, without any augmentation; and he thought it would be best, under all circumstances, that the committee should agree to withdraw the motion.

Mr. Ellis spoke a few words to the same effect.

Mr. Taylor then observed, that it would probably be the best course to lay the resolution on the table by unanimous consent, in the hope, that, in the course of an hour a quorum might be obtained.

Mr. Poinsett observed that he had, from the first, been opposed to directing the committee to sit in the recess; but the House had determined otherwise, and he now thought that it was wholly unnecessary that other members be added. So far from being increased within an hour, he believed the number of attending members would be lessened.

Mr. Livingston rose and said that he had that instant come into the House, and that a paper had been put into his hands, containing a letter signed by an honorable member of this House, who was also a member of the committee appointed on the address of Ninian Edwards, which letter contained a statement that he thought it incumbent on him, as a member of that committee, to notice. It is there said that "it was at his '(Mr. Randolph's) instance, and not without 'considerable resistance on the part of a majority 'of the committee, that the Secretary had the op'portunity given him to file his answer to the 'accusation of Mr. Edwards." Mr. L. said he was bound to declare that there was not on his part the slightest opposition, nor did any other member of the committee express any, or show the least disinclination to communicate the accusation to Mr. Crawford, or to give him an opportunity of answering it; that, on the contrary, it was one of the first measures proposed after the papers were printed; that the motion was made, as appeared by the minutes of the committee, by a member from New York, to communicate the papers, that Mr. Randolph's amendment was adopted by him, and it was unanimously agreed to, as amended. Mr. L. said that the statement could only have arisen from a very great misapprehension of the proceedings of the committee; but that it conveyed so serious a charge on their character and impartiality, that he appealed to the recollection of all the members now present, to declare whether the statement he had made was not correct.

Mr. McArthur said that he distinctly recollected the proceedings of the committee on the 28th April—that it was upon the motion of Mr. Taylor, the order was made to transmit to Mr. Crawford a copy of Mr. Edwards's address, and the accompanying papers, together with the resolution creating the committee, which was acquiesced in by all the members then present. Mr.

Floyd, perhaps, suggested the propriety of first examining the communications and documents, but did not urge the suggestion. Upon Mr. Randolph's arrival, the proceedings of the committee were read to him, when he remarked that he hoped the committee would not be delayed in its investigation for the Secretary's answer—that he was for progressing with the investigation, but was willing that the Secretary should be advised of it; and moved to amend the motion of Mr. Taylor, as stated in the minutes of the committee. That the modification proposed by Mr. R. was accepted by Mr. Taylor, and unanimously adopted. That he was confident that the statement relative thereto, which appeared in the Richmond Enquirer of the 25th instant over the signature of John Randolph of Roanoke, is not correct.

Mr. Floyd said that he had just come in, and did not know very well what it was the gentleman had been saying. If, as he was told, it related to the occurrences in the committee, he could only state the impression which was made on his memory, though he did know that he was correct, but believed he was. So far, however, as he was told what Mr. Randolph had written, it seemed to him that there was evidently some mistake in the business. He presumed it must relate to conversations in the committee, rather than to the measure adopted by them. A proposition was read by some member, he believed the gentleman from New York, to this effect: that the chairman be directed to transmit a copy of Mr. Edwards's address to the Secretary of the Treasury, and request his answer. This was conversed on, and the latter part stricken out. Mr. Randolph came in and made the motion to amend the proposition of the gentleman from New York, very similar to the first; which proposition was then put to the committee, and a vote taken, which seemed to be satisfactory to all, and was so noted, he believed, by the committee. This seemed to him to be nearly the state of facts, as he remembered them.

Mr. Webster said that he held in his hand the original paper containing the resolution offered by Mr. Taylor. It had at first been proposed to request an answer from Mr. Crawford, but it was suggested that there might be some objection to that form. This was afterwards modified so as to say the committee would receive any communication Mr. C. should think proper to make.

[Here, for the present, the conversation dropped.]

Mr. Taylor moved that the Clerk, on the order of the Chairman of the Committee, pay witnesses who may attend the committee of investigation, the usual allowance per diem for their attendance. Agreed to.

Mr. Stewart offered the following:

"*Resolved*, That the members of the committee appointed on the memorial of Ninian Edwards be paid at the usual rate of compensation, for the time they may remain in session, during the recess of Congress, out of the contingent fund."

At the suggestion of Mr. Poinsett, and there being no quorum, Mr. S. withdrew the resolution.

Mr. Taylor moved the following:

"That a committee be appointed on the part of this House, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him that, unless he may have other communications to make to the two Houses of Congress, they are ready to adjourn."

After a short time,

Mr. Taylor, from the Joint Committee, appointed to wait on the President, reported that they had performed that duty, and that the President had informed them that he had no farther communication to make to Congress.

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are ready to close the present session of Congress by an adjournment on their part, and that the Clerk go with the said message.

Mr. Taylor then rose and said that, in reference to the letter of Mr. Randolph, that had appeared in the public prints this morning, he thought it proper to observe, in corroboration of what had been said by the honorable gentleman from Massachusetts, that his recollection was very distinct that the original motion made by him in committee was stronger, and went farther, than the order finally adopted. It not only required that Mr. Crawford should be furnished with a copy of Mr. Edwards's memorial, and the accompanying papers, together with a copy of the resolution creating the committee, but that Mr. Crawford should be requested to answer the same. It having been suggested that it ought to be left to Mr. Crawford's option whether or not to communicate an answer, the suggestion was approved by him, and the latter clause withdrawn accordingly. Mr. Randolph's amendment was adopted by the committee, as expressing their decision, on the point to which it referred, more precisely than it would do either with or without the latter clause. Opposition was not made by any one of the committee to giving Mr. Crawford an opportunity of answering the accusation of Mr. Edwards.

On motion of Mr. Foot, of Connecticut, the House was then adjourned by the Speaker till the first Monday of December next.

REPORT OF THE COMMITTEE OF INVESTIGATION.

The select committee, (of the House of Representatives,) to whom was referred the memorial, or address, of Ninian Edwards, having, in obedience to the resolution of the House of Representatives, of the 26th of May, continued to hold its sittings, after the adjournment of the House, until the 21st day of June, have agreed on the following report:

In recommending, in their former report, a continuance of the existence and powers of the committee, it will be remembered that the reason given for that recommendation was, the obvious propriety, before a final close of the investigation, of having the personal presence and examination of the author of the address which had occasioned the appointment of the committee. Such examination has now been had. Mr. Edwards attended the committee, in obedience to its summons, on the 7th of June; has been examined as a witness, by its direction, cross-examined by a gentleman attending in behalf of the Secretary of the Treasury; and his testimony, together with that of the other witnesses, is communicated with this report; as are, also, various documents and papers, which have been referred to, and produced, in the course of the examination.

A paper, in reply to the communication heretofore received by the committee, from the Secretary, and another, in the nature of an argument on the whole case, have also been presented by Mr. Edwards, and considered by the committee.

The evidence has run into much detail, and some parts of it, probably, have not a very material application to the main subject of inquiry. It seemed proper, however, to the committee, to allow to those concerned a liberal indulgence in this respect

After a patient attention to all the evidence, and to whatever has been urged, in the way of reasoning on the case, the committee see no cause to change or modify, in any material respect, the result to which they came on the former investigation, and which they have already submitted to the House. On the contrary, they find, in this further and fuller examination, a corroboration, generally speaking, of the opinions which they have heretofore expressed.

On some parts of the inquiry, indeed, evidence has now been produced to points which were not, individually and particularly, taken into the consideration of the committee on the former occasion. To these, perhaps, some reference ought now to be made. They may be considered as new articles, or new specifications of charge; and although not very definitely or formally made, yet, as evidence has been taken, intended to support them, they become subjects of consideration.

One of these respects the deposites of public money, made or allowed by the Secretary, in the banks of this District, at the instance and on the solicitation of the banks themselves, and as an accommodation to them, at a time of considerable pecuniary pressure, in 1819.

In their former report, the committee expressed their opinion in relation to deposites of this nature; and referred to a public communication of the Secretary, in which the facts were avowed, and in which a practice, of a like character, was stated to have been of early existence and long continuance. The committee did not deem it necessary to call for proof of that which was admitted; as it was of opinion that the practice itself was irregular and dangerous, it did not think it material to inquire, particularly, whether, in the only case in which loss was apprehended from this cause, the probability of such loss was either greater or less than the Secretary had supposed. This apprehended loss is in the case of the Franklin Bank of Alexandria. In the letter of the Secretary to the President of the Senate, of the 25th of February, 1823, he says, in regard to this bank, that a letter of the District Attorney, therewith communicated, showed that there was no danger of loss to the United States.

The evidence now offered and received, tends to show that there is a probability of final loss from this bank; but in other respects there is no new view of the case presented.

The debt due to the Government from the Bank of Vincennes, has also been brought forward, and made the subject of inquiry and proof. Nothing distinguishing this case from those of other Western banks in which the public money had been deposited, and in regard to which loss had happened, or was expected, had attracted the attention of the committee, as important to be considered, at the time of their former report.

The case of this bank had been previously made the subject of a report to the House by the Secretary, on the 21st of February, 1824, in answer to a resolution passed on the thirty-first of January preceding, in which a statement of the debt, and the means which had been taken and used to secure it, were laid before Congress. The evidence now taken, relates principally, as in the preceding case, to the amount of the loss which may be expected to be incurred.

The only remaining charge which may be regarded as not before examined, is an allegation, or intimation, that, owing to the fault of the Secretary, the pensioners and public creditors of the Government in East Tennessee, were, in some instances, paid in bank paper not equivalent to specie.

The circumstances attending this transaction seem to be fully stated in the testimony of Hugh L. White. It does not appear that any knowledge of these payments having been made in depreciated paper was communicated to the Senate. The measures adopted by him for the reasonable provision of a proper fund at the place of disbursement, were, as far as the committee can judge, suitable and judicious. He had a right to expect the payments to be made in specie, or its equivalent; to be informed if any thing should happen to prevent such payment. No information was given to him of any disappointment of his expectation in this respect, by those whose duty it was to pay; and no complaint appears to have been preferred by those whose right it was to receive.

In regard to the contested letter of Benjamin Stephenson, of the 12th of October, 1819, the committee see no cause to change the opinion which was entertained, and which they intended to express in their former report—that, although the letter was written, as stated by Mr. Edwards in his testimony, there was no evidence that Mr. Stephenson communicated or transmitted it to the Secretary of the Treasury.

The committee do not deem it necessary to extend their report, by protracted observations on the various parts of the evidence, as the whole is submitted to the House. They content themselves with saying, that, in their opinion, nothing has been proved to impeach the integrity of the Secretary, or to bring into doubt the general correctness and ability of his administration of the public finances. To this point, as the main object of inquiry, the chief attention of the committee has been directed; and they have come to the result, which has now been stated, with the unanimous concurrence of the members present. Other points there are, of less importance, but which may, nevertheless, be supposed not to have escaped consideration by the committee. These, however, under all the circumstances, they have thought it proper to leave, without observation, in the light in which they are placed by the evidence.

TESTIMONY AND DOCUMENTS

Accompanying the Report of the Special Committee of the House of Representatives,

ON THE MEMORIAL OF NINIAN EDWARDS.

James Lloyd, of the Senate, sworn, at the request of Mr. Edwards.

Questions by Mr. Cook, in Mr. Edwards's behalf.

Question. State, if you please, what is meant by a *special deposite* made in banking institutions.

Answer. That will depend on the custom of the place, or the usage of the bank where the deposite is made. A special deposite is not a very definite term. A piece of blank paper, said to contain a thousand dollars, may be a special deposite; as may a bundle of notes left at a bank for collection or safe-keeping. Some banks receive, as special deposite, paper issued by other banks in the same State, or in other States, and which is repaid by the bank receiving it in the same bills as those in which it was deposited or in bills of banks previously designated. I should consider as special deposite that which did not mix nor mingle with the general circulation of the bank.

Q. Are special deposites ever made without designating the amount and description of money, or the things deposited?

A. I should think they were, sometimes, merely for the purpose of safe-keeping. More generally, there would be a label on the outside, specifying the contents of the bundle, box, &c., deposited. It may be noted in the memorandum book of the Cashier, but does not enter into the transactions or records of the bank at all. Plate is often deposited in this manner, and other valuable articles. In one of the Boston banks, I have now a deposite of this description.

Q. When deposites are made for safe-keeping, is it ever understood that the bank is allowed to trade upon them as its own funds?

A. Never, I believe. Some of the banks in Massachusetts keep accounts in two kinds of money; Boston money, for example, and foreign money; which latter means bills of banks located out of the city. If a sum is deposited, repayable in foreign money, the banks designate on a list, generally posted in the banking house, a certain number of banks whose bills they will receive as "foreign money," which money they use; and if they repay the sum deposited in the bills of these banks, they deem the contract fulfilled. If any one of these banks becomes insolvent previous to the payment, it is my opinion that the bank receiving its bills runs the risk of the loss thence accruing.

Q. When a deposite is made of foreign money, or such as is not received as general deposite, but subject to be refunded to the depositor in paper of a similar kind to that deposited; if paper of a similar kind, at the time of making the deposite, should afterwards depreciate in value, would the depositor be bound to receive it in its depreciated state, in payment of such deposite?

A. I should say yes to a question thus specific; but I do not know whether, strictly considered, the notes of different banks can be viewed as precisely similar. If the bank specifies beforehand in what money it will repay, it is a special contract, and the depositor must abide by his own agreement. But, if one of the banks in whose paper the deposite is agreed to be repaid, has subsequently failed, the bank receiving the deposite would not, in my opinion, be authorized to repay the deposite in the notes of such bank as had thus failed. What rate of depreciation would justify a bank in offering to pay, or a depositor in refusing to receive, depreciated notes, I cannot state.

Q. Where money of any description is deposited in any bank, and is mingled with the funds of such bank generally, and the bank uses it in its general transactions, is not such bank always considered liable to pay the amount in legal money to the depositor?

A. I should consider the bank liable, if the deposite is received and credited as general deposite.

Questions by Mr. Webster.

Q. By a general deposite, you understand a deposite to be credited as cash in account?

A. Yes.

Q. By a special deposite, you understand a deposite for safe keeping merely?

A. Yes; or a deposite on particular conditions.

Q. If there be a deposite of an intermediate character between a general deposite and a deposite for safe-keeping, where, though the particular notes deposited may be used or put in circulation by the bank, yet the bank is not answerable for the amount in cash; do the rights of the parties, in such case, depend mainly on their contract or agreement? or is there any general bank usage which would govern the case?

A. I know of no established usage. The conditions of the deposite are indicated by the terms prescribed by the bank from time to time, which are frequently varied, by it according to its sense of its own interest.

Q. Is your knowledge of bank usage confined principally to that prevailing in the banks of the Atlantic cities; or does it include the usage of the Western banks?

A. It is confined wholly to the former.

JAMES LLOYD.

Hugh L. White sworn, at the request of Mr Edwards.

Question by Mr. Edwards—Have you any recollection of the sum of forty thousand one hundred and fifty-six dollars of notes on the Bank of Tennessee and its branches which was directed. to be transferred by the Bank of Missouri to the branch bank of Louisville, and which was to be subject to the drafts of the Treasurer in favor of the Bank of Tennessee?

Answer. I think it proper to state to the Committee, that my memory of the transaction is not to be entirely depended on, as it took place several years since, and latterly my mind has been so much taken up with other concerns, that I may not recollect correctly some matters relative to this. So well as I remember, it was in the Fall of 1819 the Knoxville Bank received from Mr. Crawford a letter, the substance of which was, that he proposed to give the Bank at Knoxville a draft on the Bank of Missouri for the whole amount of Tennessee paper then in the hands of the Missouri Bank, and which had been received by it for the United States, which should be payable at Louisville in Kentucky, in Tennessee bank paper; and that, upon the receipt of such draft, the State Bank at Knoxville should place to the credit of the Treasurer of the United States a like sum as specie, which would be drawn for as the Government might have occasion to use it, in that quarter of the country. On the receipt of this letter, he was answered that we could not agree to such an arrangement; that, as to the amount of Tennessee paper upon the Bank of the State of Tennessee and its branches, we were willing to accept such draft on the Missouri Bank upon the terms proposed in his letter; that, as to other Tennessee paper, that did not belong to the State Bank or its branches, we could not agree to receive it. In pursuance of this arrangement, early in the year 1820, I think in March or April, a draft was received from the Treasury for $40,156, on the Bank of Missouri, payable at the place and in the descriptions of notes agreed upon. I think the amount was placed to the credit of the Treasurer of the United States, immediately after receiving the draft. We had no correspondence with the Bank of Missouri, but only with the Secretary of the Treasury, so far as I can remember, at this time; and upon this point I feel pretty certain I am not mistaken. After waiting what we supposed a reasonable time, to allow the Missouri Bank to have the money at Louisville, where the draft was to be paid, I went, and took a young man with me, to receive the money. For form's sake, the draft was transferred to me. I went to Louisville, (and no particular place in Louisville being specified in the draft where the money was to be paid,) I went to the Branch Bank there. I found no funds provided to meet the draft; and after waiting a few days without being able to hear any thing which induced me to think a longer delay would be useful, I had the draft protested, a copy of the protest forwarded to the drawer, with such notice as would make him responsible, and returned to Knoxville. Some time afterwards, I think in the same year, a letter was received from the Cashier of the United States Bank, stating that a bundle, said to contain the $40,156, had been forwarded, and left there by the Missouri Bank, for the purpose of lifting this draft; but as we had had the trouble and expense of going once to receive it, we took no notice of this communication, and wished to have the money sent to us at our own place, at the expense and risk of the Missouri Bank. We were content with the paper, and ready to receive it, at any time. Thus matters stood, until we heard that the Knoxville Bank had failed. I advised that the Knoxville Bank should again send to get this money. This was in the Winter of 1821. As soon as they could make the arrangement, they sent on and received the money at Louisville early in the year 1822. I understood that the whole amount of $40,156 was received in notes of the Knoxville Bank and its branches. In the meanwhile, the Treasury continued to draw on the Knoxville Bank, and, as President, I directed the Cashier not to pay cash for these drafts, but, if current money would be taken, to make advances in it, though the money was not yet received for the draft, under a belief that, ultimately, the Secretary would cause the amount of the draft to be paid to our bank.

My impression was, that when the Missouri Bank had received these notes, the banks were all paying specie, but that afterwards the branches had ceased to do so. The first information we got was from Mr. Cochran, Cashier of the Branch Bank of the United States at Louisville, that the money was ready for us, and was in the same Summer, viz., of 1820, as I believe, but cannot be certain. I never exchanged a line with the Missouri Bank, nor received a line from it, according to my best recollection. I considered our transaction only with the Treasury. The mail from St. Louis to Knoxville was at that time tedious, and not very regular. I am yet ignorant of the reason why the money was not ready for us at Louisville. I had no reason to doubt, nor have I now, that the Treasury did all that was reasonable towards notifying all parties concerned of having given the draft. The amount of notes on the principal bank itself was small in comparison to that on its branches.

I understood that the draft for $40,156 was a mode of transfer from one bank to another, for the purpose of having placed to the credit of the United States as cash or general deposite this sum which the Bank of Missouri could not transfer to the Bank of the United States. We paid creditors of the United States who presented drafts in current bills, though not in specie, and there were no complaints at the time, of which I have at present any recollection. We did not pay the specie, because the fund had not been received upon the foundation of which we had agreed to pay it; and if any blame is due, it is due to myself in preference to the Cashier; as I forbade him to pay the specie, as it related to this transaction, until the fund for which we had agreed to pay it should be paid to us.

Question by Mr. Edwards. I want to know the character of Mr. Lee, whose report is in my hand?

A. I have seen that report. Mr. Lee is a man of the utmost integrity; and if that report varies from my statement as to this transaction, it is more to be relied on than my own statement, which is from memory, without the same means of being correct which Mr. Lee had.

Q. Was a part of the money deposited to be suffered to remain in the Bank?

A. The Treasury was to draw out the money only as the wants of the Government required; something may have been said as to the time it was to remain in the bank; but I have no recollection of any positive agreement on that subject. Mr. Crawford's letter shows the understanding upon that subject more correctly than I can state from memory merely.

Q. What was the discount on your paper?

A. None upon that of the principal bank; but upon that of the branches, and other Tennessee paper, it has fluctuated from ten to twenty-five per cent.

Q. What were notes on the branches of the Knoxville banks worth at that time?

A. I cannot recollect at that particular time. The depreciation taken for a series of years was from ten to twenty-five per cent., as before stated, in East Tennessee; in West Tennessee the discount has been sometimes higher.

Q. Did not the pensioners receive from ten to twenty per cent. less than if they had received specie?

A. The money in which they were paid was of the kind which was at the discount before stated.

Question by Mr. Taylor. At the time these payments were made at the Bank of Knoxville, was there a credit in that bank to the United States?

Answer. Yes: and that credit always stood as a specie credit; but we thought that it was more than balanced by the draft unpaid; and we held the Treasury responsible for the amount of that draft.

Question by Mr. Webster. In other transactions, did you pay specie for the drafts of the United States?

Answer. Our rule always was, to pay in such funds as had been placed with us, if the payee so wished. If the fund on which the draft was drawn was specie, we paid it in that, if desired. If the fund was other than specie, we did not pay specie.

Question by Mr. Edwards. In crediting the draft from the Treasury, in your favor, was the word "cash" used?

Answer. I cannot remember. The intent was to credit it as cash. A deposite, when nothing is said to the contrary, is considered by us as being payable in cash, if demanded. We viewed special deposite of certain kinds of notes as not binding us to repay in those identical notes, but only similar notes, or such as the depositor would be as well satisfied with.

Q. Did you receive deposites from the Treasury in drafts on the Bank of Tombigbee?

A. That draft never was included in the arrangement before spoken of; and nothing has been received, by us, upon it; and, if it ever was credited, on our books, I don't remember it. That bank is, however, a specie-paying bank, as I have understood and believe.

Question by Mr. Edwards. Was the paper of the Huntsville Bank received at your bank?

A. We never had a draft on the Bank of Huntsville. The paper of that bank is esteemed rather better than our own branch notes; and we have, until long after this transaction, made no distinction between it and what is called, by us, current Tennessee paper.

Q. Was the notice of the protest, at Louisville, forwarded to the Treasury?

A. I do not recollect, farther than that I took the ordinary steps to make the drawer liable, before leaving Louisville; and, upon my return, in May, wrote the letter now shown me, by one of the committee, to the Secretary.

Q. When you received the draft, did you credit the amount to the Treasury?

A. Yes, as I now believe. That, I think, was our understanding of the agreement, and I suppose and believe we complied with that part of it.

Question by Mr. Webster. Did you inform the Treasurer that you did not pay his drafts in specie but in your own bills?

A. I have no recollection of making any communication to Mr. Crawford on that subject. The cashier may have given such notice—but I do not know that he did. I gave him no orders to do so; and think, if he had done so, I should have known it.

Question by Mr. Edwards. Do you believe that any one pensioner would have taken your bills, if he had supposed he could get specie?

A. Doubtless he would have preferred specie to any of the bills in which he was paid.

Questions by Mr. Forsyth, on the part of Mr. Crawford. Did you hold the United States responsible for the amount of its draft on the Bank of Missouri? A. Yes.

Q. How then did you refuse to pay in specie?

A. We thought that, as the money for the draft had never been paid to us, it was a just interpretation of the agreement that we should not pay in any thing till we received the proceeds of the draft; but preferred advancing in such funds as we could spare, to having the drafts protested.

Question by Mr. Edwards. When you received the amount of the draft, was it not chiefly in notes of your branches?

A. I understood so, but have no personal knowledge, as I was not then in Knoxville.

Q. Had not most, or all, of those branches then stopped payment?

A. They had ceased cash payments when we made the agreement, but my impression is, that when these notes were received in the Bank of Missouri, the banks all paid specie. This answer is given, however, upon the presumption that the Missouri Bank had received them as they represented to the Secretary. How that fact was, I, of course, do not know.

Q. What means has a director of knowing from what persons a sum, say of $100,000, found in bank, and received in a series of months, has been so received?

A. I can only speak as to the rules of the bank to which I have belonged. As to the rules of others, I could only speak from information. By the rules of ours, the President, Cashier, &c., can inspect all accounts of every person whatever, but no individual Director has such power; but the Board of Directors, if they choose, have as much right as any of the individual officers, to examine any and all accounts; but any information thus acquired would be confidential, and is intended to prevent any improper conduct, and to enable the directors and officers to discharge their respective duties, to the public, and to individuals.

Question by Mr. Forsyth. As the President of the bank, would you not have preferred advancing in current notes, with the Government bound to pay the draft, to its having been paid punctually, and your being bound to pay in specie?

A. I would have preferred that the payment of the bill should have been made when I was at Louisville, and that the transaction should have gone on as originally intended; because we would then have been as able as we ever may be to lift our paper, and as I never expected more from the Government than payment at our bank in the same kind of money specified in the face of the draft; but at the same time felt a confidence that the Government would cause us to be paid in such funds at our own place—it could make but little difference, as most of the pensioners were very probably paid in branch paper, or funds equal to it, and I have ever believed, as President, that the interest of the bank was most promoted by acting honestly. I make this observation without feeling that the question was intended to doubt our integrity.

H. L. WHITE.

James Sanderson, of Alexandria, sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. I wish you to state what you know concerning sums of money obtained by the Mechanics' Bank of Alexandria from the Secretary of the Treasury.

Answer. In January, 1819, I was President of that bank. At that time, there was a run on that bank, and the bank was much embarrassed. I waited on the Secretary of the Treasury, and he loaned, at one time, $17,000; at another, $20,000. I showed him a statement of the concerns of the bank, proving its condition to be good, and reminded him of former loans by the bank, to Government, in an hour of necessity. He replied, that he would consult the President of the United States, and let me know the result; and, when I called again, told me the Government was disposed to do all it could to relieve the bank, as well as the other banks of the District, and gave me a draft on the Bank of Alexandria for $17,000. This was on or about the 12th of January. On or about the 23d of the same month, I called on him again, and he gave me another draft on the same bank for $20,000. I understood these sums as loans or deposites, made to relieve and aid the bank. I continued President of the bank a few weeks, and, soon after I left, it it stopped specie payment for a time, some time about the middle of March.

Q. Has the bank repaid any of these loans?

A. I went, this morning, to look at the books of the bank, and find that the amount appears to have been repaid.

Question by Mr. Forsyth. When did you first call on the Secretary?

Answer. It was on Friday—but, as I understood he was much engaged, on Saturdays, in receiving visits of members of Congress, I called again on Monday, when I received the $17,000.

Question by Mr. Forsyth. Were there any deposites made, by Government, in that bank, previously to those you have now spoken of?

Answer. There were not, I believe, except the money which had been loaned to the Government previous to the time I speak of.

JAMES SANDERSON.

Jacob Morgan, of Alexandria, sworn, at the request of Mr. Edwards.

I was Cashier of the Mechanics' Bank of Alexandria, for a time after Mr. Sanderson left it. There were some loans obtained by Mr. Swan, President, from the Secretary of the Treasury, and received by me. Mr. Sanderson had left it. One loan, I think, was of $10,000, another of $20,000. The first was returned in a short time, say thirty or sixty days, and a few weeks after the first, the second loan was obtained. This latter was not repaid, when I left the bank, which was, I think, in 1821. When I came into the office of cashier, I found little specie, and a very small amount of current money, and about $80,000 of notes in circulation. (I reduced these, before I left, to less than $7,000.) The second loan, of $20,000, was, as I understand, subsequently paid, or secured to be paid, through the Bank of Alexandria, but when I left the bank, the two loans mentioned by Mr. Sanderson, and the second, mentioned by me, remained unpaid. This last was received in Treasury drafts on Carolina and Virginia. I went to Raleigh, in North Carolina, and exchanged the drafts for Virginia paper. The Raleigh bank then paid specie, and was willing so to pay these drafts, but I did not wish to take away the specie. The first $10,000 were obtained to enable the bank to pay specie, but this being found insufficient, the second loan was obtained. The bank paid some of its notes as it was able, and as fast as the notes were paid, they were withdrawn—but many notes were not paid when presented. I did understand, from the Secretary of the Treasury, that the loans were obtained in order to enable the bank to wind up its affairs. The Secretary frequently applied to me for repayment, and being told by me that the bank was unable to do it, he insisted upon interest being allowed on the loan, which was agreed to by the bank. I do not recollect when this agreement for interest was made—not, however, before the money had remained due for a year. Nor do I remember from what date the interest was to be calculated. The present statement I make from memory, merely—not having had access to the books of the bank for several years.

Augustine Newton sworn, at the request of Mr. Edwards.

I was Cashier of the Franklin Bank, and became so in March, 1821. There is a credit on the books of the bank to the Treasurer of the United States, for $48,000. The money was obtained before I went into office. Mr. Crawford was once at the bank while I was cashier, say in August, 1821, applying to have the money either paid or secured; at which time the bank agreed to transfer to him all its property, as security, and that this loan was the first debt to be paid. The charter of the bank expired on the 1st January, 1822—but I have the books in my possession.

The discounted notes were first to be resorted to, and if these proved insufficient, resort was to be had to stock notes. A small sum, less than $1,000, has been collected. The notes are now in suit, by Mr. Swan, district attorney. The stock notes are notes given by stockholders for stock, for the payment of which stock is pledged as security. I know of no reason for the agreement that one class of notes was first to be sued for, unless it may have been the convenience of the debtors on the stock notes. All the real property was also transferred. It consisted of a few houses, taken for debts.

The agreement was accepted by Mr. Crawford, before the expiration of the charter, and sent to Mr. Swan to have a regular conveyance drawn up. That conveyance was not consummated till after the charter had expired, say in October, 1822. Many of the notes assigned were under protest, and some of them in suit. Notes, including stock notes, to the amount of $185,000, and real estate to the amount of $5,000, were offered to be transferred, but Mr. Crawford did not at that time accept of the offer, because it did not extend to the payment of interest; but afterwards, the interest being stipulated for, the agreement was accepted, and the transfer made in October, 1822, as I have above stated. The stock notes are still in my possession. They have never been endorsed to the Government by any one. If suits can be sustained, there will be ample funds to repay the loan.

When I went into the office of cashier, I was under the impression that provision had been made by Congress for continuing the charter of the bank for five years beyond the time originally limited for its expiration. I continued under that impression for a long time, and I believe the directors were under the same impression.

AUG. NEWTON.

June 9, 1824.

Mr. Newton again called, (10th June.)

The transfer above referred to, from the bank to the United States, was made on the 3d October, 1822.

The terms of the agreement were finally arranged and assented to by the parties, on the 5th December, 1821.

A. NEWTON.

Charles T. Chapman sworn, at the request of Mr. Edwards.

I was Cashier of the Union Bank of Alexandria. In June, 1819, owing to the heavy pressures upon the bank, and considering a disadvantageous loan had been made by this bank to the Government, and believing as I then did, and do now, that unless some temporary relief could be obtained at the moment, a serious inconvenience would have resulted to the institution; under such circumstances a committee was appointed to solicit from the Honorable William H. Crawford, Secretary of the Treasury, temporary aid—which he was pleased to grant, under the condition that the amount should be refunded, when demanded. The sum received from the Treasury was $30,000, in June, 1819, and having received information that it must be refunded in January 1820, a part was paid in the latter month, and the balance in February of the same year; and although the funds we received from the Treasury, were not, nor could have been desirable, under any other circumstances than those abovementioned, yet, interest was paid upon the same. The money thus received from the Treasury was all, I believe, paid into the Office of Discount and Deposite of the Bank of the United States at Washington, either by deposites or drafts, of the Treasurer through that bank upon us.

The solvency of the Union Bank was, I believe, never questioned at any time during its operations.

C. T. CHAPMAN.

June 9, 1824.

James L. McKenna sworn, at the request of Mr. Edwards.

I am Cashier of the Bank of Alexandria. I became so in 1811. The bank has never had a loan or an indulgence from the Treasury. It has always had the deposite of the Government from the collector. It has made advances to the Government, when under pressure, and, at one time, remonstrated with Mr. Crawford on the closeness with which the public deposites were drawn. The average amount of public money remaining on deposite, in the bank, since Mr. Crawford has been Secretary of the Treasury, has been less, I think, than it was during the incumbency of Mr. Gallatin.

June 9. J. L. McKENNA.

I had an agency in obtaining one of the loans made by Mr. Crawford to the Mechanics' Bank of Alexandria, when that bank was in difficulty. I accompanied Mr. Sanderson in his visit to the Secretary when he obtained the second loan, and represented the injurious consequences of permitting that bank to fail. I redeemed repeatedly the notes of that bank out of the hands of brokers and others. Mr. Crawford seemed dissatisfied at the second application so soon after the loan of $17,000. He applied to me for my opinion of the solvency of that bank, and whether the loan would enable it to redeem its paper. I represented the circumstances of the bank as being safe, (to the extent of its debts, but that its stockholders might lose,) though I doubted the sufficiency of the loan to enable it to redeem its paper. I represented the permitting the Mechanics' Bank to fail, as being calculated to injure, and the granting of the loan to benefit, materially, the commercial interests of Alexandria; and Mr. Crawford acquiesced in the wishes of Mr. Sanderson, and made the loan in drafts on some of the Eastern banks, in sums of two, three, and four thousand dollars each.

Question by Mr. Edwards. When a general deposite is made in your bank, without any thing being said on either side, is the amount demandable in cash?

Answer. Always—except when plate or notes of District banks are left for safe-keeping, to be delivered to order. J. L. McKENNA.

William Rhodes sworn, at the request of Mr. Edwards.

I was Cashier of the Franklin Bank of Alexandria, from May, 1816, to June, 1819. When I left that bank it was indebted to the United States, I think, in the sum of $48,000. I cannot certainly tell when it became indebted, but believe it was in 1818 or 1819. It became indebted, as I understood, in consequence of an application by our directors to the Secretary of the Treasury for a loan. There were, I believe, three such applications. At the first we received $18,000, at the second $18,000, and at the third $12,000. The money was advanced to the bank to relieve it from its embarrassments. I feel very certain as to the aggregate amount of $48,000, but am not so sure as to the amount of the different sums obtained at each application, nor respecting the time when they were obtained. My impression is, that the loans were all obtained within the course of about six months. I cannot state whether interest was or was not to be allowed upon them. I have no further knowledge of the transaction than that I received the warrants from the Treasury, and passed the amount to the credit of the United States. I now recollect that I was in one instance requested by the directors to write a letter to the Secretary, requesting a deposite in our bank; which I did, accordingly, but I do not remember at what time, nor whether it was before or after the first loan. WILLIAM RHODES.

Daniel Kurtz sworn, at the request of Mr. Edwards.

I am Cashier of the Bank of Columbia, and have been for more than two years. Since I have been cashier, the bank has been indebted to the United States, in all, about $300,000. The bank was appointed agent for the Treasury, to collect certain uncurrent money. The whole amount above mentioned did not, however, consist of such collections. There were some balances—about $40,000—left from former transactions with the Treasury. The sum I have mentioned was owing by the bank when I became cashier, and has remained about the same ever since. When the United States Bank went into operation, the Bank of Columbia owed the Government from $30,000 to $60,000—a part of which was drawn for by the Treasury, say about $15,000. The balance has not been drawn for, and remains a cash debt to the United States.

I do not know precisely what arrangement was made with the bank respecting the collection of uncurrent notes; but I have understood that so much of those notes as the bank could collect and turn into current money, might remain in the bank on deposite; but I cannot state for how long a time. About $200,000 worth of uncurrent notes have been thus converted, and credited, as cash, to the Treasury; part of the residue has been drawn out by the Secretary of the Treasury, and part remains now in the bank. These uncurrent notes were a part of those reported as uncollectable by the Bank of the United States, and were received from that bank by an order of the Treasury.

Question. What is the amount of notes delivered for collection, and what were the dates of delivery, and specify on what banks?

Answer. The amount of notes delivered for collection was $545,991 37, as appears by a statement now delivered, marked Z, in which also the dates of the orders for the delivery of the notes to the bank will appear. The notes were actually received between the months of December, 1818, and August, 1819. The banks whose notes were so received, are so numerous, that it has been impossible for me at this time to make out the list. A statement of a number of them is, however, contained in a paper now delivered, marked Y.

Q. What were the amounts of these notes cashed by the bank?

A. $238,361 87, as also appears by the paper marked Z.

Q. What was the amount of uncurrent notes drawn out of the bank by the Treasury?

A. $123,102 59, as appears by a statement now delivered and marked X.

Q. What is the amount of such uncurrent notes now on hand, and where are they lodged?

A. $53,661 40, lodged, principally, at the several places contained in a statement now delivered, and marked W.

Q. What is the total amount of the debt now due from the Bank of Columbia to the United States?

A. About $372,000, of which $318,361 87 is cash, and includes about $30,000 standing to the credit of the Treasurer, on sundry accounts, and the remaining balance of $53,661 40 is special deposite.

Q. What probability is there of the United States recovering this debt?

A. In my opinion the security given for the debt is amply sufficient, and I believe that the whole will be recovered. The bank owes in all about $800,000, and the nominal amount of its assets is more than a million and a half of dollars. An agreement has been made with the Bank of the United States to assign to it property and debts to secure the debt due from the Bank of Columbia to the Bank of the United States, and to the United States. For the whole of the above amount of $318,361 87, excepting the sum of $30,000, above specified, the Government received a credit on the books of the bank, as cash, in 1819 or 1820. At that time the Bank of Columbia paid specie. The above sum, credited as cash, was suffered to remain in the bank from that time to the present. This, as I understand, was in pursuance of an agreement with the Treasury.

This deposite was the only compensation the bank received for the trouble of collection. I do not know that any time was specified for the continuance of the deposite. The Secretary of the Treasury has pressed the bank very much for the amount; more, I think, than he ought to have done, considering the trouble and expense to which the bank was put.

D. KURTZ.

STATEMENT W.

Evidences of debt in possession of the Bank.

Cumberland Bank of Alleghany - -	$1,176 61
Bank of Wilmington and Brandywine -	7,376 00
Farmers and Mechanics' Bank, Pittsburg	1,311 00
Urbana BankingCompany - - -	2,339 00
Bedford Bank of Pennsylvania - -	4,059 57
German Bank of Wooster - - -	23,761 00
Union Bank of Pennsylvania - -	9,758 00
Sundry Bank notes, among which are Kentucky In. Co. $797, Marietta and Susquehanna Trading Co. $1,360, Susquehanna Bridge Co. $796, and $482 counterfeits of various banks - -	3,880 22
	$53,661 40

STATEMENT X.

Evidences of debt in these cases delivered, and in possession of the Treasury, August, 1820.

Elkton Bank of Maryland - - -	19,865 25
Alexandria Society, Granville - -	2,463 00
Owl Creek Bank - - - - -	64 00
Western Bank of Virginia, Parkersburg -	198 00
German Bank of Wooster - - -	11,344 00
Farmers' Bank of New Salem - -	1,835 00
Bank of Green Castle - - - -	595 00
Commercial Bank of Lake Erie - -	10,900 00
Virginia Saline Bank - - - -	10,121 00
Bank of Somerset and Worcester - -	1,375 00
Merchants' Bank, Alexandria - -	3,217 00
Urbana Banking Company - - -	500 00
Juniata Bank of Pennsylvania - -	3,200 00
Huntingdon Bank - - - - -	2,380 00
Bank of Muskingum - - - - -	291 00
Do - - - - -	7,930 00
Do - - - - -	29,741 00
Lebanon Miami Exporting Company -	9,575 00
Bank of Washington, Pa. - - -	7,508 34
	$123,102 59

STATEMENT Y.

Bellemont Bank of St. Clairsville; Bank of Marietta; Franklin Bank of Columbus; Alexandria Society, Granville; German Bank of Wooster; Muskingum Bank, Zanesville; Centre Bank, Pennsylvania; Farmers and Mechanics' Bank, Greencastle; Union Bank, Pennsylvania; Farmers' Bank, Pittsburg; Farmers, Mechanics, and Manufacturers' Bank, Chillicothe; Farmers' Bank, Canton; Bank of Mount Pleasant; Lebanon Miami Banking Co. Ohio; Juniata Bank; Farmers and Mechanics' Bank, Pittsburg; Huntingdon Bank; Virginia Saline Bank; Cumberland Bank of Alleghany; Merchants' Bank of Alexandria; Kentucky Insurance Company; Urbana Banking Company; Farmers and Mechanics' Bank, New Salem; Owl Creek Bank; Western Bank of Virginia, Parkersburg; Bank of Vincennes; Lancaster Ohio Bank; Zanesville Canal and Manufacturing Company; Ohio Company; Commercial Bank, Lake Erie; Bank of Beaver; Bank of Chillicothe; Alleghany Bank, Bedford; Northwestern Bank, Pennsylvania; Farmers and Mechanics' Bank, Cincinnati; Bank of Washington, Pennsylvania; Westmoreland Bank, Pennsylvania; Miami Exporting Company; Farmers and Mechanics' Bank of Steubenville; Indiana Manufacturing Company; Bank of West Union; Banks in Delaware; Banks in Virginia.

STATEMENT Z.

T. T. Tucker, Esq., Treasurer of the United States, **in** *account with the Bank of Columbia.*

Dr.

		Cash.	*Sp'l. Dep.*
1820.			
Jan. 20	To draft No. 933	–	$41,275 65
Aug 18	J. Norris	–	7,779 18
23	W. Neil	–	11,194 32
Sept. 4	draft No. 165	–	1,636 00
30	160	–	8,120 00
	161	–	23,600 00
Oct. 21	163	–	130 00
	162	–	23,550 00
Nov. 21	Bank of Vincennes	–	1,200 00
1821.			
Oct. 15	Cash	5,000	
Dec. 2	draft No. 164	–	558 36
	1,096	–	1,822 00
1822.			
June 20	1,237	–	5,000 00
July 18	1,379	–	5,000 00
	cash account	–	238,361 87
	bal. to new account	278,361 87	176,763 99
	Dollars.	283,361 87	545,991 37
1818.	Cr.		
Dec. 19	By draft Bank U. S.	–	468,588 37
30	Do	–	13,640 00
	Do	–	10,900 00
	Do	–	17,744 00
1819.			
Jan. 14	A. D. Stewart's dep.	–	8,322 00
Apr. 30	Bank Wilmington & Brandywine	–	17,376 00
May 17	Sundry Treas. drafts	45,000	
July 13	Treas. draft on Chillicothe	–	7,930 00
1820.			
Aug. 2	Do do	–	291 00
1821.			
Aug. 4	Bank United States	–	1,200 00
	Special deposite	238,361 87	
	Dollars.	283,361 87	545,991 37
By balance of special deposite		–	176,763 99
Do of cash account		278,361 87	

X Special deposite, evidences at the Treasury - - - - - -	123,102 59
W do do Bank of Columbia	53,661 40
	$176,763 99

In addition to the balance, as stated in the account current, there is due to the United States, on the books of the Office of Pay and Deposite, on sundry accounts, about $30,000.

Alexander Kerr sworn, at the request of Mr. Edwards.

I am Cashier of the Bank of Metropolis, in this city, and have been so for ten years past. It was one of the banks in which public deposites were made previous to the existence of the United States Bank. When the Bank of the United States went into operation, the Bank of the Metropolis owed to the United States about $90,000, which was drawn for by the former in one check. This sum had come into the bank by deposites of individuals only, and not by loan. There is a deposite now in the bank, to the credit of the United States, in consequence of payments for Western lands being made partly in bills which the United States Bank would not receive as cash, and which were received by the Bank of the Metropolis, and receipted for to the Treasurer of the United States, as cash. The notes were on specie paying banks; we received them as cash; and considered the accommodation to the Government quite equal to any benefit received by the bank. The sum has gradually increased and vibrated, from 40 to $60,000. It was never made at the solicitation of our bank; but the Secretary of the Treasury directed persons wishing to pay for lands as above stated, to apply to our bank, to know if we would receive the notes, and credit them as cash; which we agreed to do. The amount of deposite, as reported to the Treasury the 1st day of January, of the present year, was about $60,000. Neither specie nor United States notes, to any considerable amount, were included in the above deposites.

ALEXANDER KERR.

June 10, 1824.

Jonah Thompson sworn, at the request of Mr. Edwards.

I am President of the Bank of Alexandria, and have been since March 1st, 1819.

The bank never applied to the Secretary of the Treasury for a loan, but have always had the deposites from the custom-house. On the 9th of January, there was an application, and understood to be the wish of the Secretary of the Treasury, that the Bank of Alexandria would assume and pay the sum of forty-six thousand dollars to the Government. The Bank of Alexandria gave credit to the Government for the amount, and the Mechanics' Bank agreed to secure it by notes and real estate. The bank pays the drafts of the Government when called upon. It has a deposite of more than $139,000. The Bank of Alexandria has never applied to the Treasurer for any indulgence, to my knowledge.

JONAH THOMPSON.

Edward Jones sworn, at the request of Mr. Edwards.

I am Chief Clerk in the Office of the Secretary of the Treasury. I have heard of a letter mentioned by Mr. Edwards as having been written by Mr. Stephenson, Receiver of the Public Moneys at Edwardsville, to the Secretary of the Treasury—I first heard of it very lately—I believe the first intimation I had concerning it was derived from Mr. Edwards's memorial to Congress.

Question by Mr. Cook. Did you ever see, in the Treasury Department, previously to Mr. Edwards' memorial, any letter or notice in any of the public papers, concerning Mr. Edwards' having withdrawn from the directorship of the Bank at Edwardsville?

Answer. Never.

Question by Mr. Cook. Does the correspondence between the Secretary of the Treasury, and the banks which are depositories of the public moneys, pass through your hands?

A. Yes. When the Secretary is in town he opens the mail himself, writes on the different bundles such directions as will designate what is to be done with each, so that they may respectively be acted on; they are then sent out to me, and I distribute them amongst the clerks.

Q. Have you read the report of the Secretary of the Treasury, made to Congress on the 22d day of March, of the present year?

A. Yes, I have.

Q. Did the Secretary consult you in making out that report?

A. No.

Q. Did he say any thing to you in reference to that report before it was made?

A. No.

Q. Do you, or do you not, know that the letter from Mr. Stephenson, referred to by Mr. Edwards, has since been found in the Treasury Department?

A. No, I do not know any such thing.

Q. Have you heard that that letter has been found?

A. Never.

Q. Do you remember whether the Secretary of the Treasury received the St. Louis Enquirer in 1819?

A. I do not recollect. I have seen that paper several times in the Department. Papers are frequently sent to the Secretary, which he has not subscribed for, and after a few numbers are sent and no subscription obtained, they are sent no longer.

Q. When, according to your best recollection, did you first see that paper in the Department?

A. I do not recollect.

Q. Do you think it was several years past?

A. I have seen it within two years.

Question by Mr. Forsyth. Does all the official correspondence of the Secretary of the Treasury pass through your hands?

A. Yes.

Question by Mr. Forsyth. In order to distribute the different papers sent out to you by the Secretary, is it not necessary that you should read them?

Answer. To read them all would occupy more time than I can spare; but on merely opening them I can immediately perceive whether they are from banks or Receivers of Public Moneys, or what is their general character.

Question by Mr. Forsyth. Who makes the endorsements on these letters?

Answer. If they require an immediate answer, I usually draw the answer, and in that case I endorse them myself; but if they do not require immediate attention, or do not need any answer at all, I hand them over to a young man who assists me, and he makes the endorsement. The greater part of the letters received are of the description first mentioned. I do not draught all the answers; but most of the letters are of such a kind that there are precedents for the answer required.

Question by Mr. Forsyth. When calls are made upon the Secretary of the Treasury for papers, does the direction usually pass through your hands?

Answer. Yes, it usually does. (The direction is generally endorsed on the back.) In some few cases it has been sent immediately by the Secretary to the person having charge of the papers.

Question by Mr. Forsyth. To which of the clerks go the letters from the Receivers of the Public Moneys?

Answer. They remain with me, unless where they contain inquiries for directions concerning the kinds of moneys to be received, and the place of deposite; in which case they are considered as pertaining to the duty of Mr. Dickins.

Question by Mr. Cook. Where and by whom were the copies of the voluminous documents laid before Congress at the present session, in answer to a call for the correspondence of the Treasury with the Western banks, made?

Answer. That is a question which I cannot answer very fully. I had no share in making out those copies. Mr. Dickins was engaged in superintending that business—a Mr. Elkins, a Mr. Phillips, and a Mr. Washington, were employed; and Mr. Laub, an extra clerk in the office.

Question by Mr. Cook. Was any part of the corresponndence taken away from the Department to be copied?

Answer. I was told by Mr. Richards, who had the largest portion of the letters from the banks to copy, that he took them with him to Connecticut. I also understood from Mr. Elkins that he took some of those assigned him to his lodgings. Those given to both these gentlemen were letters from banks to the Department; those given to the extra clerks were records taken from the files of the office.

Question by Mr. Cook. At what time did this copying commence?

Answer. I think about the first of last July.

Question by Mr. Cook. At what time was it finished?

Answer. A few days before the report went into Congress. It occupied some days to arrange so great a number of copies of letters; but as soon as that was done, and the report made out, the whole was sent in. I understood that the arrangement intended was, that each letter should be followed by the answer to it; but I had no hand in the business, from the commencement to the end of it.

EDWARD JONES.

Clement Smith sworn, at the request of Mr. Edwards.

I am President of the Farmers and Mechanics' Bank of Georgetown, and have been for about four years. The bank has not been in that time indebted to the United States, nor is there a credit now on the books to the United States.

CLEMENT SMITH.

Overton Carr sworn, at the request of Mr. Edwards.

I am Cashier of the Patriotic Bank, and have been since its establishment in 1815. The bank had one deposite from the Treasury of $10,000, on the 13th of September, 1819. It was made at my request, in consequence of the pressure then existing in the concerns of the bank. It consisted of a draft on Salem, Massachusetts, for $5,000, Portsmouth $2,000, Bristol $1,000, Petersburg $2,000. On the 11th February, 1820, this loan was repaid by a deposite in the United States Branch Bank in this city. Interest of 6 per cent. was paid on the deposite, and a loss was sustained of 1½ per cent. in converting these funds into cash, which was done through the agency of brokers. The banks drawn on were specie-paying banks, and their notes current in their own States, respectively. The loss arose merely from the rate of exchange. The bank has never before or since been indebted to the United States.

OVERTON CARR.

Richard Smith sworn, at the request of Mr. Edwards.

I am Cashier of the Branch Bank of the United States in this city, and have been since its institution.

Question by Mr. Cook. In what manner was the deposite of $1,175 made by Colonel Riddick in that bank, and how was it credited to the United States?

Answer. To the best of my recollection, it was entered to the credit of the United States—part as cash, and part as special deposite—perhaps $285 entered as special deposite on paper of the Franklin Bank of Alexandria, the residue entered as cash. I have no memorandum with me to refer to, but presume the above to be the transaction referred to in the question.

RICHARD SMITH.

Thomas Swann sworn, at the request of Mr. Edwards.

Question. Please to state at what time the transfer of the effects of the Franklin Bank of Alexandria to the United States was made, for the purpose of securing certain loans made to it by the Treasury, and all the circumstances connected with such transfer.

Answer. I was applied to as the Attorney of the United States for the District of Columbia, by the Secretary of the Treasury, some time in the Summer or Fall of 1821, to carry into effect an agreement which had been entered into between the Secretary of the Treasury and the Franklin Bank of Alexandria, in relation to a debt of about $48,000 due from the Franklin Bank to the United States. The agreement appeared to have been entered into on the 23d of August, 1821, and the bank bound themselves to transfer to William H. Crawford, and his successors in office, all the debts due to that bank, and all the real estate of every description belonging to the bank, and all the notes given by the stockholders of the bank, on account of stock by them severally subscribed thereto. The real estate was to be disposed of on the most advantageous terms, and the whole amount of the moneys collected were to be placed in the Bank of Alexandria, to the credit of the Treasurer of the United States. The debts were to be collected by gradual instalments, excepting the stock debts, which were to be applied, in the first place, to the payment of the deposites and issues then due from the bank; and, in the second place, to make up any deficiency that might be due to the United States. Schedules of the debts due to the bank were annexed to the agreement.

Very shortly after this application was made by the Secretary of the Treasury, I prepared a deed of assignment for the purpose of carrying this agreement into effect, and made various efforts, in the course of the Fall of that year, to get it executed by the Board of Directors of the Franklin Bank, but without effect; objections and difficulties, of one sort or other, were constantly made, and an indisposition to execute the assignment, as I thought, manifested on the part of the board. I had understood that the deposite had been originally made by the Secretary of the Treasury in that bank at the instance of General Thomson Mason and Mr. Jno. T. Ricketts, who were then Directors of the bank, and, if they had been alive at the time that I prepared the assignment, I have no doubt that the assignment would have been promptly executed; but the death of these gentlemen, and of my brother, William T. Swann, who had acted as the President of the bank, produced, I am inclined to think, the delays which attended the final completion of this business. After making my efforts to get this paper executed, I was requested to send it to the Secretary of the Treasury; and I accordingly did so, and I believe that a correspondence took place between him and the bank upon the subject of the deed; it was returned to me about the month of May, 1822, and was finally executed by the Board of Directors of the bank some time afterwards, the precise period I do not now recollect. At the time it was executed none of us, I believe, were aware that the charter of the bank had expired. The impression generally was, that a power had been reserved to it, in common with the other banks of the District, to wind up its affairs, and the time given was, I think, five years; but so it was, upon looking at the law, the Franklin Bank was omitted, and its charter at an end, before the deed of assignment was finally executed.

When this information was obtained, I was requested to turn my attention again to the original agreement, and to see whether the United States would be able to recover their moneys upon that paper—upon considering that paper, it seemed to me that the notes which had been negotiated in the bank while it was incorporated and endorsed in blank, might be applied to the use of the United States, and I accordingly obtained possession of those notes, and filled up the endorsements payable to the United States, and brought suits at law upon those notes in behalf of the United States, which suits are still mostly depending.

As to the stock notes, no measures have yet been taken upon them, nor did the agreement with the bank authorize any steps to be yet taken, but when it may be necessary to resort to them, it seemed to me that a court of chancery would compel the payment of them and give to the United States the same relief as if the assignments had been regularly made.

If the United States should be able to enforce the payment of these stock notes, I should entertain no doubt but that the money due to the United States may be obtained—but otherwise, a considerable loss would be sustained.

THO. SWANN.

David English sworn, at the request of Mr. Edwards.

I am Cashier of the Union Bank of Georgetown, and have been since its institution in 1809. That bank received one deposite in August, 1819, from the Treasury, of $25,000. The bank was under some fears on the subject of the resumption of specie payments, and application was made to the Treasury for aid, and the loan was obtained; which was repaid in October following, by deposites in the United States Bank or its branches. No other deposite has since been made by the Treasury in the Union Bank, to my knowledge. No interest was paid on the above loan.

D. ENGLISH.

Thomas Dungan sworn, at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury, and have been about eight years.

Question. Have you heard of a letter said by Mr. Edwards to have been written by Mr. Stephenson, Receiver of Public Moneys at Edwardsville, to the Treasury, in 1819.

Answer. Not until lately, when it has been mentioned in the public papers. I never heard of it until after Mr. Edwards's memorial was communicated to Congress.

Q. Was it after that memorial was presented to Congress that you first heard the subject spoken of?

A. I have answered that question.

Q. Have you heard any thing of that letter's having been found in the Treasury Department since that memorial was presented to Congress?

A. I have not.

Q. Do you know whether the St. Louis Enquirer was received at that Department in 1819?

A. I do not know.

Q. Did you see the report of the Secretary of the Treasury, of the 22d of March of the present year, previous to its communication to Congress, or did you know any thing of the subject of its contents before it was communicated?

A. I did not see or copy any part of the report before it went to Congress. I had only a general knowledge of its contents, such as every body else had, from the call to which it was an answer. My business in the office did not lead me to any special knowledge of that report.

THOMAS DUNGAN.

Samuel M. McKean sworn, at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury. I never heard of the letter said to have been written by Mr. Stephenson, Receiver of Public Moneys at Edwardsville, to the Treasury Department, before the evening of the day on which Mr. Edwards's memorial was presented to Congress. I attend, among other things, to that part of the business of the office which relates to the remission of fines and forfeitures, and also to the issuing of commissions. I have never heard of that letter's having been found by any one in the Treasury Department.

S. M. McKEAN.

Peter G. Washington sworn, at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury, and have been since 1st July, 1822. I copied a portion of the documents submitted to Congress the present session by the Treasury Department. I first heard of Mr. Stephenson's letter to the Treasury on the day after the memorial of Mr. Edwards was presented to Congress. I have never heard that that letter has been found in the Department since the presentation of that memorial. The letters addressed to the office in general, and among them those which contain the correspondence with the banks, are mostly deposited in the room in which I am employed, and are considered as placed more particularly under my charge; and I think, that, had such a letter been found, I must have heard of it. The letters have always been under my charge since I went into the office; but every gentleman in the office has free access to them as a matter of course in the discharge of his official duty—my duty in relation to them consists in placing and keeping them on the proper files, and restoring them to their places when removed. The custom of the office in relation to letters sent from it, is to preserve in the Department the draught of letters, and to send away the fair copy of that draught made by one of the clerks. The original draught is sometimes made by the Secretary himself, and if it is sufficiently fair, the original itself is sometimes sent, and a copy retained. These copies or draughts are filed, and usually recorded monthly. No directions were ever given me by the Secretary to search for the letter of Mr. Stephenson; as I before said, I never heard of that letter until Mr. Edwards's memorial was presented. The instructions of the Secretary were, that all the letters to and from banks should be communicated to Congress; in consequence of which, many letters were so communicated which I did not conceive to be embraced in the call of the House.

PETER G. WASHINGTON.

Peter G. Washington again called.

Question by Mr. Webster. Are you able to state at what time the copying of the correspondence with the banks commenced, by order of the Secretary of the Treasury, which was called for by a resolution of the House of Representatives of May 8, 1822, and which was communicated with a letter of the Secretary to the House, of 22d of March, 1824?

Answer. Soon after the adjournment of Congress, in 1823—I think, in April.

Question by Mr. Cook. Look at the paper now shown to you. [Here Mr. Washington was shown a paper, submitted to the Committee by Mr. Edwards, as the enclosure contained in the letter of the Secretary of the Treasury to the Cashier of the Bank of Edwardsville, dated 1st of November, 1819.] Do you know the handwriting?

Answer. I do.

Q. Will you state whose it is?

A. It is the handwriting of the late Edward Fox, formerly a clerk in the office of the Secretary of the Treasury.

Q. Do you know who copied the letter of the 1st of November, above referred to, for the purpose of being communicated to the House, with the report of the Secretary of the 24th of March last?

A. I do. It was copied by myself.

Q. Did the original copy of the enclosure accompany the original letter, when copied by you?

A. It did not. The enclosure was a letter to a Receiver. The letters called for, were letters to and from banks.

Q. Do you, or do you not, know that the Secretary of the Treasury could have commanded the same means during the recess of Congress, in 1822, for the purpose of preparing the documents to accompany the report made on the 22d March, 1824, as were employed during the succeeding year, to prepare the same documents; and, if so, do you know what reason prevented their employment?

A. The power of the Secretary of the Treasury, on that subject, must always be the same. In his report of February, 1823, he states why all the correspondence with the banks was not then communicated; and I know of no other reason than the one he assigned.

Q. Do you know of any reason to doubt the truth of the facts, stated in that report, as the cause for not sooner communicating the correspondence?

A. I do not.

Question by Mr. Forsyth. At what time did Mr. Crawford return from Georgia to Washington, in that year?

Answer. Late in the Fall.

PETER G. WASHINGTON.

Robert Newell sworn, at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury. I never heard of the letter of Mr. Stephenson to the Treasury, until I read the memorial of Mr. Edwards to Congress. I have been in the office three years. I had charge of the letters in the apartment where Mr. Washington now is, for a time. I never saw such a letter as that said to have been written by Mr. Stephenson, in the Department. It is now nearly two years since I left that room. I have heard nothing of such a letter's being found in the Department, since Mr. Edwards's memorial was presented to Congress. Nothing was ever said to me, either by Mr. Crawford or by any other person, respecting that letter, previous to Mr. Crawford's report of the 22d of March, 1824.

R. NEWELL.

Asbury Dickins sworn, at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury. I do not recollect that I had any agency in the negotiation concerning the collection or securing the loan to the Franklin Bank of Alexandria, after the time at which the terms of the agreement were settled, which appears to have been on the 5th of December, 1821. I never heard any thing, as I now recollect, of the letter said to have been written to the Treasury, by Mr. Stephenson, of Edwardsville, previously to the Secretary's directing me to draw up the report of the 22d of March last. I wrote the report, according to directions previously given me, by the Secretary; and, when it was completed, I read it to him. Before receiving those directions, I do not recollect to have heard Mr. Stephenson's letter spoken of by any one. At the time Mr. Edwards was examined, last year, before a committee of the House of Representatives, I was not present. I may have, afterwards, read Mr. Edwards's deposition concerning that letter. But, when I received the directions above alluded to, I had forgotten every thing in relation to it. I received Mr. Crawford's instructions to prepare the report a few days before the papers were ready which were to accompany it. He expressed impatience at the delay which had taken place, and urged me to use despatch myself, and to hasten the other persons employed. The greater part of the correspondence of the Secretary with the banks, has passed through my hands, ever since I have been in the office, which has been since October, 1816. I had no instructions to search for the alleged letter of Mr. Stephenson, until the time I received Mr. Crawford's instructions to draw up the report. He then directed me to have the search made. I made the search, accordingly, but did not find such a letter, nor have I since heard of its being found. I searched for it on the files of the office. The letters had been put away in bundles. I directed the messenger to bring me the bundles which contained the letters of the period alluded to. I searched all of those bundles, and examined all the files of letters they contained. Those bundles were not in my charge, and I cannot say how long they had remained untouched—they are usually put away by the junior clerks. They may be said to be in the particular care of Mr. Jones, or rather the messenger; they are put away in cases. The report, as I believe, bears date the same day it was sent to the House, which, I think, was, also, the same day on which the fair copy was written. I do not remember that I had any conversation with Mr. Crawford, on the subject of that letter, between the time when I first received his instructions to draw up the report, and the time when I read the draught of the report to him. He then inquired whether I had made the search directed, and I informed him that I had, and of the result. Mr. Richards, as far as I recollect, returned the letters he took away to copy, in October or November. When he returned, I employed several persons in making farther copies. At the time I had the first conversation with Mr. Crawford, concerning the letter of Mr. Stephenson, he directed me to search the records for an answer to that letter, which I did, accordingly, and found none.

ASBURY DICKINS.

Thomas F. Riddick sworn, at the request of Mr. Edwards.

The Bank of Missouri had a capital of $250,000, of which $40,000 was placed in an office of discount and deposite at St. Genevieve, which said office was entirely under the control of the principal bank, in all respects; the cashier and all the directors and officers were appointed by the mother bank, and removed at pleasure. Their general operations were also directed by the principal bank, at St. Louis. The office at St. Genevieve loaned money on personal security, but never on pledge of stock. Stockholders residing at St. Genevieve pledged their stock at St. Louis, if they wished to borrow on that security; not more than eighty per cent. was allowed on such pledge, which was considered only as collateral security. These loans were always considered safe, and better than any personal security. I believe that the stock has never fallen below eighty per cent.

A large amount of public moneys had accumulated in the bank prior to the 9th August, 1819, but it consisted, for the most part, in notes of the various banks of the West, which had been received by the land offices, and could not be used in the Treasury in discharge of debts due by the Government. The Bank of Missouri, at its own expense and risk, (and for which they have not as yet been allowed any compensation,) converted those funds to a large amount, say $600,000, into such funds as would pay the Treasurer's drafts at St. Louis. But the Government having no occasion to disburse any considerable amount at St. Louis, (as the bank were informed,) made a proposition to the bank to transfer its funds to the Bank of the United States, and certain of its branches; and, as a compensation for this service, agreed that $150,000 should remain in bank as a permanent deposite, but which might, nevertheless, be drawn on when disbursements could be made at St. Louis; agreeing, also, that further compensation should be made if the deposite should not be found adequate for the service proposed to be rendered. This was accepted in part on the 9th August, 1819, and a sum, amounting to near $450,000, before and after that time, was paid to the Bank of the United States and branches, or funds worth four per cent. premium to the bank. The permanent deposite was frequently drawn on, and reduced to an amount considerably below $150,000. The bank has been allowed no compensation as yet for this service beyond what the uncertain benefit of this deposite might have been worth to them, which, under circumstances, ought to be estimated at a very small sum. Moreover, the Bank of Missouri had to encounter the hostility of nearly all the institutions of the West from whom the Bank of Missouri had to make demand for specie funds, or such other funds as would satisfy the Treasurer's drafts; and, also, from gentlemen connected with those banks. This fact will be seen by a reference to the printed correspondence with banks. See letters from the President of the Bank of Kentucky to the Secretary of the Treasury, May 25, 1819; September 29, 1819; letter from honorable W. H. Crawford to President of the Bank of Kentucky, July 30, 1819; also, letters from honorable Ninian Edwards, a Senator of the United States, May 10th and 12th, 1819, directed to Thomas F. Riddick, one of the Directors of the Bank of Missouri, which said letters last named are filed with the Committee of Ways and Means, in support of a petition presented by Thomas F. Riddick, as agent for the bank.

It will also be seen, by reference to the several agreements made by the Bank with the Treasury Department, and the general correspondence; also, the original certificates of deposite, that the Bank of Missouri never became bound, until the 9th of August, 1819, to pay over to the Treasury any other or better funds than such as they should receive from the land offices, not having it in their power, before the said 9th of August, to direct what kind of paper should be received in payment for lands; this was, before that date, regulated by a list furnished the different Receivers, by the Treasury Department, and, whether at par or not, was received from them by the Bank of Missouri, and certificates of deposite, issued by the cashier, stating the amount received in par funds, and the amount received in such paper as had been authorized by the Treasury Department. The bank, therefore, clearly had a right to pay over such funds as was received by them; and the Government, in common justice, is bound to make compensation for the risk and loss incurred by the bank, in converting those funds into such other funds as could be used by the Treasury, in payment of demands against them.

Whenever these fair demands of the bank shall be liquidated and settled, the amount that will be then found due the United States will be much lessened, and the amount that has been transferred by the bank ample, and greatly more than sufficient to satisfy every cent justly due by the bank to the United States. The amount that now stands charged on the books of the Treasury, if the nominal amount of all the moneys of every description paid into bank by the land offices, without any deduction having been made for services rendered, and for risk and loss in exchange.

It will also be seen, by reference to the reports of the bank, and the report of the committee of the Missouri Legislature, that the Bank of Missouri did, at all times, conduct its operations with great care and circumspection, never having an average discount including notes on pledges os stock (with the exception of the deposite of $150,000) greater than the capital stock, and never having its paper signed for circulation to a greater amount than $204,938 29, of which sum (if the books of the bank were within my reach,) I am satisfied it would be found that the average amount in circulation, from the completion of the payment of the capital stock, to the day of suspension, did not exceed $80,000; the greatest amount that appears ever to have been in circulation, was $153,899 50; of which sum $25,000, or near that amount, was specially deposited in the Branch Bank of the United States at Lexington, and belonged to the Bank of Missouri; at the time the bank suspended payment, only $86,000, or thereabouts, was in circulation.

The suspension, in August, 1821, cannot, therefore, be attributed either to excessive loans, or to an excessive issue of the paper of the bank; but to the general situation of the Western country, which rendered it impossible for the bank to collect from its debtors, with sufficient promptness, to meet the demands for specie, created by the pressure that existed at that time, and to the circumstance of this bank being almost the only one who continued to pay specie on demand in the Western country.

Question by Mr. Cook. Were you President of the Bank of Missouri in 1821?

Answer. I was.

Q. by same. Do you believe that the account and monthly returns made by that bank were correct, just, and true?

A. I believe they were, and that the statement made by myself, and forwarded to Mr. Crawford, under date of 30th June, 1821, was also just and true.

Q. From what land office were the largest deposites made in the Bank of Missouri, between the 1st of July, 1818, and 9th August, 1819?

A. From the land office at Franklin.

Q. When did General Smith make his first deposite?

A. I believe on the 7th December, 1818.

Q. How much larger do you suppose these deposites were than those from any other office?

A. Something more than twice the amount from the office at St. Louis.

Q. What was the amount of General Smith's deposite between the aforesaid periods?

A. I believe they amounted to $460,966 76; this I take from a memorandum in my possession.

Q. Were any of the notes received from him refused to be received as cash, and were they specially entered? If so, state the circumstances, and whether General Smith was apprized thereof.

A. General Smith very seldom made his deposites in person. His office being near two hundred miles from the bank, they were generally placed in bank by some person in whom the General had confidence, travelling to St. Louis or to the eastward, or by boats trading on the Missouri. I do not remember that the bank ever had any difficulty with General Smith or any other person, about his deposites. I believe they were always made in the same funds which he received for lands, and certificates were issued to him by the cashier, stating the kind of funds deposited which certificates were, no doubt, forwarded by him to the Treasury Department, as vouchers.

Q. What amount of internal taxes were deposited, much or little?

A. I do not remember of any deposites being made of that description.

Q. by Mr. Forsyth. When were the deposites of the Tennessee paper made by the Bank of Missouri, at Louisville?

A. I believe in May, 1820, having promised Mr. Crawford to have it forwarded as soon as I arrived at St. Louis, which was done by a special agent. I was afterwards informed that the agent of the Nashville Bank received the amount of the Nashville Bank paper, but that the agent of the Tennessee Bank had left Louisville a short time before the arrival of the special agent of the Missouri Bank at Louisville, and deposited it in the Branch Bank of the United States.

Thomas F. Riddick states, that while a director of the bank, he had access at all times to the books and papers of the bank, being nominated by the President to act in his place pro tem., when he was absent at his farm, or was holding Indian treaties, or otherwise unable to attend; that he counted the Tennessee and other paper transferred to the Treasury, before the proposition of the 9th Augnst, 1818, was made, and that he took with him, when he left St. Louis for Washington City, in December, 1819, a considerable part of the funds intended to be so transferred, and made a deposite at Chillicothe, and in the Branch Bank of the United States at Washington; which deposites made a part of the charge against him as agent of the bank, as contained in the monthly returns made to the Treasury in the months of January and February, 1820. Also, that what I have stated before the committee of my own knowledge is true, and what I have stated as matter of opinion, I believe to be true.

Q. by Mr. Cook. When you discounted notes for individuals, in what kind of money did you advance the amount of such notes?

A. Those discounts were usually left in deposite, and drawn for in small sums at different times. They were then paid generally, in notes of the Bank of Missouri, or in such other funds as the bank had at the time, or as the party demanded.

Q. Did not the amount of discounts by the Bank of Missouri always very greatly exceed the amount of its notes in circulation?

A. It is my impression that it always greatly exceeded that amount.

Q. Did not so much of the money advanced for discounts as exceeded the amount of the bank's own paper, consist of moneys deposited in it by the Government?

A. It consisted in part of such moneys, but not wholly, because some part of those moneys were in notes that the bank could not use.

Q. Did the bank ever refuse to receive deposites made by General Smith as cash?

A. So much of the deposite as was in cash was received as cash; so much of it as consisted of bills was receipted for as such; but the whole amount was credited together, without distinction.

Q. Did you, in receiving deposites from the Land Offices, ever keep a separate account of paper and of cash?

A. A memorandum of the sort of funds received was kept by the cashier, but it did not go into the books of the bank. But, in private accounts with individuals, a separate account was in some instances kept for cash and for notes, by inserting in the ledger, opposite to the sums paid, the words 'cash," or "foreign notes," as the case might be. When deposites were made on account of the United States, a certificate was issued by the Cashier, stating whether the deposite had been made in cash, or in such notes as the Land Offices were directed to receive.

Q. Was not the principal part of the funds deposited by Government in the Bank of Missouri, transferred to the Branch Bank of the United States at Louisville, and other banks in Kentucky?

A. There was no transfer made to any other bank in Kentucky but the bank at Louisville. The transfers made by the bank will appear in the communication of the Treasurer No. 2, dated March 1st, 1823.

Q. Were not the funds which you say were worth four per cent. premium, and paid over by the bank to Government, derived from the Government deposites?

A. Some part of them might have been; the greater part was by the purchase of bills on the Government, sent to the Bank of the United States at Philadelphia, and to the Branch Bank of the United States at Washington City, for collection on the part of the bank.

Q. Were not these bills paid for in the funds that had been deposited in the bank by the Government?

A. They were paid for out of the general fund of the bank.

Q. Did such general fund embrace the public deposites?

A. There was no distinct account kept between the public fund and the general fund of the bank.

Q. Was any premium paid by the bank on those Government bills in their purchase? and if so, on how many, and to what amount?

A. A premium was frequently paid by the bank upon such purchase. I cannot say, without a reference to the books of the bank, to what amount. A premium of two per cent. has in some cases been paid, but it varied from par to one and a half and two per cent. When the bank sold their own bills on the Bank of the United States, it sold them at four per cent. premium.

Q. By what means did the Bank of Missouri acquire funds in the Bank of the United States, on which it could draw bills?

A. By collections made in the Bank of the United States for and on account of the Bank of Missouri, and perhaps in some instances by deposites made there by individuals to the credit of the Bank of Missouri.

Q. What description of debts were they which were collected by the Bank of the United States for the Bank of Missouri?

A. A part of them were bills drawn by individuals, and a part of them were bills drawn by persons authorized to draw on the Secretary of the Treasury for the expenditure of public moneys. Much the greater part, I believe, however, were bills drawn by individuals.

Q. You stated that the Government funds in the Bank of Missouri, at the time it suspended cash payments, consisted of bills which could not be converted into cash, or such suspension would not have happened. I wish you now to state what amount of bills deposited on account of the Government was in the Bank of Missouri at the time the suspension of cash payments took place.

A. I was not correctly understood, if it was supposed that I said that the Government funds in bank at the time of the suspension consisted of bills. Although a credit then stood on the books of the Bank of the United States, the money corresponding with that credit was not actually in the bank. The amount due the Government, as appeared on the books of the bank, was very near the amount allowed as a permanent deposite, which was payable six months after the bank ceased to be employed as an office of public deposite.

Q. What sum did, then, remain in bank, of bills which had been entered to the credit of the United States?

A. A very small amount, perhaps about five thousand dollars.

Q. When the arrangement was made with the Bank of Missouri, under which it was to retain a permanent deposite, what was the amount first understood it should so retain?

A. One hundred and fifty thousand dollars.

Q. Was there not an arrangement made with the Secretary of the Treasury by letters of August and September, 1819, by which the same moneys were to have been received by the Government, or a considerable portion of them, as were received under the subsequent arrangement of March, 1820? And did not the bank fail to comply with the first arrangement alluded to?

A. The letter of the bank of the 9th of August, 1819, and the arrangement made by me, in March, 1820, will answer that question. Whatever paper, under the first arrangement, was not transferred, the bank, of course, was accountable for in cash.

Q. Was not a part of the same paper which was to have been transferred under the first arrangement, afterwards received under the second, in a depreciated state?

A. No. I believe that all the paper transferred to the Government was of the same value at the time of the transfer, as it was at the time it was agreed to be transferred by letter of the 9th of August.

Q. Was not a considerable part of the paper transferred under the arrangement contained in the letter of the 20th of March, 1820, greatly below par?

A. It was.

Q. What amount of it, as nearly as you can recollect, was below par?

A. Something more than one hundred thousand dollars.

Q. Did the Bank of Missouri ever receive an answer, from the Secretary of the Treasury, to the following clause in a letter signed by Augustus Chouteau, President, and dated 9th August, 1819, viz:

> "As to the Bank of Edwardsville, the only one near us, we cannot give it our confidence. Their paper is received with distrust, even in their own neighborhood, and passed from hand to hand as soon as possible. Owing to the intimate connexion which it had with the Bank of St. Louis, which cannot pay its debts, and has entirely discontinued business, the capital stock of that bank has been taken for the most part, and is now owned by five or six individuals, some of them living out of the State, and the direction secured to such persons as they may choose to appoint. There are other objections which we forbear to mention."

A. I never saw any answer to this clause, and believe that none was ever received by the bank.

Q. Was the opinion here expressed by the Bank of Missouri, concerning the Bank of Edwardsville, continued to be entertained by the former, for any length of time after the date of that letter, and how long?

A. I cannot positively say, as to any other person but myself; but my impressions were changed after I understood, from common report, that the Bank of Edwardsville had determined to forfeit the stock of those persons who should not pay the requisitions of the bank. I understood that General Payne, of Kentucky, and others, were stockholders to a large amount, and I believed that they would fail to pay for the stock subscribed if demanded in cash. This, I think, was my impression at the time, but it was derived merely from report then prevailing.

THOMAS F. RIDDICK.

James L. Anthony, sworn at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury. I first heard of Mr. Stephenson's alleged letter to the Department, since Mr. Edwards's memorial was presented to Congress. I have at all times free access to the room in which the bank letters are kept, and have had occasionally to go there to consult those letters with respect to deposites by individuals, in payment of debts to the Government. I was not consulted, previously to the report made by the Treasury to Congress, on the subject of its correspondence with the banks, as to my knowledge of the receipt of the alleged letter from Mr. Stephenson. I have not heard that that letter has been found in the Department, since Mr. Edwards's memorial was presented, nor have I ever heard from any person in the Department, or in any way connected with it, or from any other person, that such a letter ever was there, or that the Secretary had, at any time, seen it. **J. L. ANTHONY.**

Exhibit of the amount, &c., deposited in the Bank of Missouri, by the Receivers of the Land Offices at Kaskaskia, Franklin, St. Louis, and Edwardsville, as contained in twenty six certificates of deposite, enclosed in a communication from the Secretary of the Treasury, of the 8th of June, 1824, to the Committee appointed on the Address of N. Edwards.

Land offices and dates of the certificates of deposite.	Deposited in the notes of banks designated by the Secret'y of the Treasury.	Deposited in specie, in U.States Bank notes, & in notes of the Bank of Missouri.	Amt. of each deposite.
Kaskaskia.			
Sept. 4, 1818	$20,243	$4,236 21	$24,479 21
Oct. 3, 1818	9,887	2,698 81	12,585 81
Nov. 23, 1818	9,990	6,010 45	16,000 45
Dec. 1, 1818	6,139	861 00	7,000 00
Feb. 5, 1819	8,129	3,611 00	11,740 00
Franklin.			
Dec. 7, 1818	50,446	7,078 87	57,524 87
Jan. 14, 1819	38,322	5,245 62	43,567 62
Jan. 20, 1819	2,776	0 70	2,776 70
Feb. 6, 1819	28,479	1,775 19	30,254 19
Mar. 22, 1819	14,258	0 86	14,258 86
Mar. 24, 1819	73,924	27,078 00	101,002 00
Mar. 24, 1819	37,235	20,800 00	58,035 00
April 29, 1819	16,667	209 04	16,876 04
May 25, 1819	42,834	28,734 30	71,568 30
June 19, 1819	18,670	44,353 02	63,023 02
June 22, 1819	–	2,080 16	2,080 16
St. Louis.			
Oct. 6, 1818	23,315	2,309 04	25,624 04
Nov. 3, 1818	10,225	1,775 00	12,000 00
Dec. 2, 1818	7,802	199 00	8,001 00
Dec. 17, 1818	15,500	328 43	15,828 43
Feb. 5, 1819	9,825	–	9,825 00
Feb. 26, 1819	33,916	810 00	34,726 00
Mar. 30, 1819	23,464	1,415 00	24,879 00
April 30, 1819	40,364	5,758 59	46,122 59
Edwardsville.			
Sept. 26, 1818	7,080	1,135 00	8,215 00
Oct. 29, 1818	4,000	–	4,000 00
Total	553,490	168,503 29	721,993 29

John Forsyth, of the House of Representatives, sworn at the request of Mr. Edwards.

I first heard of the alleged letter of Mr. Stephenson to the Treasury, after Mr. Edwards's memorial was presented to Congress. A day or two after Mr. Crawford's report came into Congress, I read that report, but had no conversation with any person respecting Mr. Stephenson's letter until afterwards. I never have heard from the Secretary of the Treasury, from any person connected with the Treasury Department, or from any member of Congress, that such a letter has been found. I was shown by a member of the House of Representatives a letter from a gentleman in Richmond, in which the writer stated that a passenger on board the steamboat from Washington down the river, had said that Mr. Cook, a member of Congress from Illinois, had Mr. Crawford's answer to the letter of Mr. Stephenson ready to produce, on which I called upon the Secretary of the Treasury, and mentioned to him what I had heard. He replied "it was possible, but it scarcely could be so."

J. FORSYTH.

Jonathan Jennings, of the House of Representatives, sworn at the request of Mr. Edwards.

Question by Mr. Cook. In the report made by the Secretary of the Treasury to Congress, 14th February, 1822, he states, that "for the public 'money on deposite in the Bank of Vincennes at 'the time of its failure, collateral security has been 'obtained." I wish you to state your knowledge of the nature of that security.

Answer. The collateral security consisted of assignments of certain bonds given to the Bank of Vincennes, in behalf of the State of Indiana, and a note of a Mr. Piatt and his endorsers, as also a transfer in trust for the use of the United States, of certain real property. The value of the collateral security, when given, I should have estimated, provided there had been no substantial objections to the character and circumstances under which the assignments and transfers were made, as being worth a sum not to exceed $80,000; the greater part of which, however, since the assignments and transfer, owing to various causes, has become unavailable to the United States, and, in my opinion, the residue will not yield more than $20,000.

Q. Do you know of any steps taken since the arrangement of 1821, to get security for this debt?

A. I know of none, except what was obtained through General Noble, at Brookville, Indiana, in the year 1822; of the value of which I am unacquainted.

Question by Mr. Floyd. Had you any agency in procuring the Bank of Vincennes to be made a depository of public moneys?

Answer. Among others, I recommended that measure. The bank then appeared from its quarterly returns, submitted to me as Governor of the State, to be entirely solvent. Those returns contained only the general accounts of the bank; nor was the institution required by any provision of its charter, to submit any list of its debtors, and the amount owing by each, to any State authority; which it uniformly refused to do when applied to for that purpose.

Question by Mr. Floyd. When the bank thus refused, and you were Governor, did you communicate that refusal to the Secretary of the Treasury, or did you at any time express to him any doubts or suspicions touching its solvency.

A. I never entertained any doubt of the solvency or integrity of the Bank of Vincennes, until late in the year 1820, and the records of the State government will show, that, in my communications to the Legislature, I did not recommend an examination into the situation of the bank until December, 1820; prior to which time, it will appear, however, from the communications of the Secretary of the Treasury to the bank, that the latter had committed a breach of its engagements with the former, in failing to pay drafts drawn by the Treasury as early as the 19th of October, 18th of November, 28th December, 1819, and 10th of March, 1820; of which failure to pay those drafts, I have no recollection of having had any information, until the session of Congress before the last. I was informed, however, of one small draft, drawn on the bank by the Treasury, having been dishonored during the Winter of 1820-21, shortly before I personally examined said bank. Upon this examination, I discovered the bank had not two hundred dollars of available funds, and that a draft drawn upon it for moneys in favor of the Pension Agent for the Indiana roll, had been diverted from its legitimate object, to the prejudice of the Government. I advised the Secretary of War of the circumstances.

I made no communication to the Secretary of the Treasury when the bank declined giving a list of its debtors, and the amount owing by each. The bank was not bound to give such list, nor was it required by me only in compliance with resolutions of the Legislature, nor was it incumbent on me, or necessary, to detail to the Treasury Department such refusal on the part of the bank, and the reasons offered by the bank as inducing a refusal, on its part, to give publicity to such list, inasmuch as the Secretary of the Treasury made the rendition of such list, by the bank, quarter yearly, to himself, a condition upon which deposites were to be made in the Bank of Vincennes, and which was acceded to by the latter.

JONATHAN JENNINGS.

Langdon Cheves sworn, at the request of Mr. Edwards.

I became President of the Bank of the United States on 6th March, 1819, and continued till the beginning of January, 1823. I know but very little concerning the liability of local banks to the Government of the United States. My duties in the United States Bank consisting wholly of superintendence, I could not concern myself with the details of its business. I considered the liability of local banks to the Government as a matter external to the business of the United States Bank. The chief of what I do know on that subject is derived from a letter from the Cashier of the Branch Bank of the United States, at Louisville, dated 2d May, 1820, a copy of which I now produce. [Here Mr. Cheves read the letter.]

Question. When the Treasury of the United States gave drafts to the Bank of the United States on any of the local banks, did the Bank of the United States feel itself bound to receive in payment of such drafts any thing else than its own paper, or the legal currency of the country?

Answer. The Bank of the United States did not feel itself legally bound to receive any thing but its own paper and the legal currency of the country. But it was in the habit, with a view of being useful to the Government and the country, of receiving almost any thing that it could convert, safely and conveniently, into cash.

Q. The rule of the United States Bank in receiving deposites is, that, when a deposite is made generally, the bank is liable for the amount of such deposite in cash, is it not?

A. That is the general rule, to which I recollect but one exception, which was under a particular arrangement in respect to certain Western banks, by which the bank received deposites from Receivers of Public Moneys in current bills of these banks, and credited them as cash, on the condition, that if not duly paid, they should again be charged to the Government.

Q. This exception grew out of an arrangement which took place after you entered into the superintendency of the United States Bank, did it not?

A. Yes.

Q. by Mr. Forsyth. Do you know what is the per centage of the loss of the United States Bank on their debts in the Western States?

A. I cannot state with accuracy. It exceeded ten per cent. and amounted, perhaps, to fifteen.

Q. As President of the bank, you had, of course, constant intercourse with the Secretary of the Treasury; can you testify as to the zeal, integrity, and ability, with which that part of his duty, which relates to the collection of the public moneys, was performed, so far as it came under your observation?

A. I had much and anxious intercourse with the Secretary of the Treasury personally, and by letter, in relation to the currency of the country, and the collection of the public debts, as well in the Atlantic as the Western States. It was a crisis of unexampled difficulty. The great object was to restore and preserve a sound currency, generally, through the Union. As it regarded the Atlantic portion of the Union, it appeared, to my judgment, to involve the soundness of the currency; but, as it regarded the Western States, it seemed to me to involve the existence of any currency at all. I understood, distinctly, that it was the object of the Secretary of the Treasury, in the Western States, to prevent its sudden and total prostration. In my opinion, the Secretary of the Treasury displayed much ability, great zeal and industry, perfect integrity, and commanded as much success as was practicable, under the circumstances of the times.

Q. by Mr. Cook. In expressing this opinion, do you do it with a full knowledge of the connexion between the Treasury Department and the Western banks in which the public moneys were deposited, and of the manner in which those banks fulfilled their engagements with the Treasury?

A. I do not do it with a full knowledge of these circumstances, but I do it with a great deal of knowledge of the subject. If this question be intended to refer to my answers to previous questions concerning the arrangements between the Western banks and the Government, it is necessary to state that I understand those questions and answers to refer to the details which governed the transactions of those banks with the Government, of which I am ignorant; but the answer which I have just given refers to the general conduct and the success of the measures of the Treasury, and I know them from my correspondence and intercourse with the Secretary, and from the operations of the Bank of the United States, through which large sums of money were collected for the use of the Government in the Western States.

LANGDON CHEVES.

Hon. Ninian Edwards sworn, by order of the Committee.

Question by Mr. Livingston. You stated in an examination before a former committee, in your answer to the 8th interrogatory, that you had prevailed upon Colonel Stephenson to write a letter to the Secretary of the Treasury relative to the propriety of continuing deposites of public money in the Bank of Edwardsville, and that you saw him write the letter, and enclose a publication made by you therein. The committee wish to know whether you read that letter immediately after it was written, and, more particularly than is stated in that deposition, what passed between yourself and Colonel Stephenson on that occasion?

A. The circumstances under which it was written were these: Colonel Stephenson was, at that time, the Receiver of Public Moneys, and also the President of the Bank. He was very unwilling that I should withdraw from the bank, and supposed that my doing so would be likely to impair its credit, and increase the responsibility upon him for the deposites in it. I was myself glad of the opportunity of circumstances so favorable to my advising him with success to write the letter to the Secretary, and he was very easily prevailed upon to do so, and applied to me to write such a letter for him, as I thought he ought to write to the Secretary; and I accordingly wrote the draught of such letter—went to his office—remained there until he had copied it, and afterwards compared the copy made by him with the draught. At the same time that he wrote the letter, he enclosed, to be sent with it, as I believe was his intention, a printed copy of my publication announcing my intention to withdraw from the Bank of Edwardsville. I have no doubt that he sent the letter, because, from the conversation I had with him, it appeared to be his desire to send it, so far as I could discover; and his subsequent conversation left no doubt on my mind that he did send it. I have no recollection of having seen the original draught abovementioned from the time it was copied by Colonel Stephenson until the time of my late return to Edwardsville. It was then shown to me by Thomas Lippincott, who was employed in doing business in the Land Office, and who took it in my presence among the files of that office. The copy now presented was made out, I think, by himself, and is either sworn or affirmed to as a true one. Mr. Lippincott is a gentleman of fair and respectable character, and, as I understand and believe, was secretary or clerk to one branch of the last Legislature of Illinois. Although I cannot swear that this is a literal copy of the original draught, I know it to be substantially correct, nor have I the least doubt of its being literally so. Upon the original draught, as found in the files of the office, was an endorsement, in the handwriting of Mr. Stephenson, the words of which were, as far as I recollect, the following: "Copy to the Treasury Department, October, 1819," or words to that effect. An additional reason which induces me to believe that the letter was sent, is, that the said Mr. Lippincott also showed me the copy of another letter which he took from the files of the office, which was in the handwriting of Colonel Stephenson, the late Receiver, and purported to be a letter from the said Receiver to Mr. Crawford, dated, I think, the 22d October, 1819, which, from the subject of it, appears to refer to the before described letter.

Q. by Mr. Forsyth. Was there any part of the original draft of the letter from Mr. Stephenson of October 12, 1819, underscored?

A. I do not recollect that there was. I perceive that there is an underscoring in a part of the copy now presented, which may have been done in consequence of the object for which this copy was taken; which, originally, was not that it might be sworn to, but that it might be published. It was sworn to subsequently to the arrival of the summons from this committee to myself.

Q. by Mr. Forsyth. Was that underscoring made by you, or at your request?

A. I do not think it was made by me, and I do not remember that it was made at my request. I do suppose it was made by the gentleman who took the copy, and that it was done by him in consequence of his knowledge of my object in searching for the letter.

Q. by Mr. Forsyth. You say that you perceive a part of the copy is underscored. Is this the first time you have noticed the circumstance?

A. I do not recollect noticing it heretofore, but think it is highly probable that I did, as the copy was intended for publication, and this is a point to which I should naturally have wished to call the public attention, and of which wish the gentleman who made the copy was well apprized.

Q. by Mr. Forsyth. Your belief is that this underscoring was done before the affidavit was attached to the copy?

A. Such is my belief. I have no doubt of it.

Q. This copy has been already published. Have you seen the publication of it in one of the public newspapers of this city?

A. I have.

Q. Was the copy for that publication furnished by you?

A. I submit to the committee whether that is a proper question.

[Mr. Forsyth here stated that he had a particular reason for making the inquiry. The letter as published contains a part in italics which corresponds to the part underscored in the copy now presented; and he wished to ask whether the types of the publication were set from this copy?]

A. I have no objection to answer, provided the committee think it a proper question. This copy is that from which I suppose the publication was made, as it was furnished by myself for that purpose.

Q. How long was it out of your hands?

A. Not more than a day or two, as well as I can recollect.

Q. Was it sent to the editors of the paper in which it was published, or was it delivered personally?

A. I do not recollect which. My impression is, that I delivered it to some person to take it to the printers—probably Mr. Cook. Whoever took it, I consider the act as equivalent to a personal delivery of it by myself.

Q. Did you search, or cause search to be made, in the office of the Receiver at Edwardsville, for the answer of the Treasury Department to the letter of which you now present a copy?

A. I went to the office for the special purpose of endeavoring to ascertain if there was not a letter in it from Mr. Crawford to the late Receiver, directing him to continue the deposites in the Bank of Edwardsville.

Q. Did you find the answer to the letter of which you now present a copy?

A. I found a letter from Mr. Crawford, of the 6th of August, 1819, I think; another of the 1st of November, of the same year; and one of April (probably the 20th) 1820. The second of these, viz: that of the 1st of November, it is my opinion, was written in consequence of the letter of the Receiver of October 12th, 1819.

Q. You state, in your examination before the committee of the last Congress, that Colonel Stephenson informed you, after he had written that letter, that he received a letter from the Secretary of the Treasury directing him to continue the deposites in the Bank of Edwardsville. In your letter to the Secretary, of the 9th February, 1822, you say that he (meaning Mr. Stephenson) informed you that that letter had been answered. I wish to know exactly what the declaration made to you by Mr. Stephenson was; whether he said he had received an answer to the letter, or whether he said he had received a letter directing him to continue the deposites in the Edwardsville Bank.

A. The letter of the 12th October was written previously to my coming on to Congress. On my return from Congress, after the session succeeding the date of this letter, I asked the Receiver what answer Mr. Crawford had given to that letter. He told me either that he had received a letter from Mr. Crawford directing him to continue the deposites, or that Mr. Crawford had written to him directing him to do so; from which I understood him that he had received an answer from Mr. Crawford. I am positive he told me that he had received a letter from Mr. Crawford, directing him to continue the deposites; but, whether he alluded to the letter of the 1st November, 1819, or to that of the 20th April, 1820, or to any other letter in particular, I do not know; for I do not recollect to have seen either of these letters from Mr. Crawford until my late return to Edwardsville.

Q. Did not you consider that letter which you draughted for Mr. Stephenson, as a letter from the Receiver of Public Moneys to the Secretary of the Treasury?

A. It was certainly a letter from the Receiver of Public Moneys, but he was, at the same time, President of the Bank of Edwardsville. I perceive, from the copy, it is dated at the "Receiver's Office." I know that the Receiver's letter was written there from the draught alluded to.

A. You state that you returned from Congress in the Spring of 1819, and found the Bank of Edwardsville under great pressure. I wish to know whether you apprized the Secretary of the Treasury that such was the fact, or advised the Receiver of Public Moneys to withhold deposites in that bank on account of it?

A. I do not recollect that I did write directly to the Secretary myself; but I am under an impression that the President of the Bank did write him a letter, the object of which was to induce him to forbear drawing upon the bank while it was under difficulty. I made a communication to Colonel Johnson, during that Summer, whose brother-in-law held more stock in the bank than any other person, of the difficulties with which the bank was then struggling, and with a view that he should, and the expectation that he would, communicate the same to Mr. Crawford. I am induced to believe that he did so, from a letter from Mr. Crawford to Colonel Johnson, of the 15th July, 1819, which I now submit to the committee, and which acknowledges the receipt of a communication from me to Colonel Johnson, upon the subject alluded to. Nothing of this, however, was done with a view to show Mr. Crawford the danger to Government of continuing the deposites in that bank, but rather to induce him not to draw upon it at that particular time.

The difficulties of the bank I considered, at that time, but temporary; I thought it could be conducted through them, and did not feel myself at liberty to withdraw from it until this had been done, which finally was effected, as I conceived, in a great measure, by my own diligent management of, and my assistance to the bank.

I do not recollect that I did particularly advise the Receiver of Public Moneys to withhold deposites in the Edwardsville Bank at that time, nor until after I had made my publication in the St. Louis Enquirer.

Q. After your publication, and when you considered the bank as out of danger, you then advised the Receiver to withhold deposites?

A. Yes. My object in that publication was to free myself from all responsibility for the bank—to state what I believed to be the real truth concerning it, and to leave the public and the Secretary to judge for themselves, how far they could confide in it without any responsibility on my part.

Q. You state that you enclosed a copy of this publication to Mr. Crawford; was it accompanied with any thing written to him, or simply covered with an envelope, and directed to him?

A. I think it was simply enclosed and directed to him, and that nothing was written but the direction.

Q. Did you not write, at Mrs. Stephenson's request, a letter purporting to be from her to the Secretary of the Treasury, and dated 18th September, 1819?

A. I submit to the committee whether this is a proper question. I am perfectly willing to answer it if they so decide; and I am also willing to waive the objection.

[The committee having decided that the question was a proper one—]

A. I did write a letter for Mrs. Stephenson, which I believe she copied, signed, and, I have no doubt, sent, in reply to a letter from Mr. Crawford to Colonel Stephenson, which was received during his absence on a journey to Kentucky; and the original draught, which was written by myself, I have lately seen on the files of the Receiver's Office, at Edwardsville.

Q. Do you recollect whether Mr. Stephenson was in Edwardsville at the time your publication in the "Enquirer" appeared?

A. I do not.

Q. After your publication, and before the writing of this letter of Mr. Stephenson's, which you allege to have been written, you knew that complaints had been made, on the part of the Treasury, of his withholding deposites of public moneys in his hands?

A. I have no knowledge of having seen or heard any thing on that subject, saving the letter which arrived at Edwardsville directed to Colonel Stephenson, during his absence.

Q. Do you, or not, know that, before or about the time of this transaction, in the Spring, Summer, or Fall of 1819, Colonel Stephenson had loaned large sums of money to different individuals?

A. I do not recollect of knowing or hearing of any such loans by him. A list, I understood, was found after his death, of moneys loaned; but this was subsequent to the time mentioned in the question; nor do I remember hearing the name of more than one individual to whom it was then ascertained he had loaned money.

Q. You insinuate, in your memorial to Congress, that there was a letter written by Mr. Crawford to the Receiver at Edwardsville, which was, in reality, an answer to the letter alleged by you to have been written by Mr. Stephenson, but which was so contrived as to appear not to be such an answer; can you assign any conceivable motive which could lead to such a course on the part of Mr. Crawford at that time?

A. Mr. Crawford, as I believe, had received much information against the Bank at Edwardsville, some of which appears in the documents, and particularly the letter of the President of the Bank of Missouri, dated, I think, 9th August, 1819. This was naturally calculated to excite his fears for the safety of the deposites; my withdrawal from the bank was calculated to confirm those fears; and I think it highly probable that he might not have been willing to disclose any circumstance which was calculated to increase his responsibility for continuing those deposites in that bank; and I believe those deposites were continued there more through the influence of General Payne and his connexions, than from that of any other persons.

Q. I understand you, then, to say that Mr. Crawford at that time anticipated the failure of that bank, and sought to provide a screen from the responsibility of having continued the public deposites there.

A. My opinion is, that he did receive my publication and the Receiver's letter, and that he has withheld them, and I have already assigned the motive which I supposed might have governed him in doing so; but, whether that resulted from an actual anticipation of the failure of the bank, or from an apprehension only, that it might fail, I do not undertake to decide.

Q. You state that you determined to sustain that bank, and you lay great stress on the circumstance of your withdrawal from it; will you state how you were enabled to sustain it?

A. I endeavored to sustain it by my influence, by my own funds, and by my personal attention to it.

Q. Did you make any deposite about that time with a view to sustain it? and if so, to what amount?

A. I aided it by advancing my own money or bills; but cannot say to what amount. I held myself ready to give it further assistance, if it had required it.

Q. When you stated that you did not see the draught of the Receiver's letter until "your late return to Edwardsville," did you mean your return in April or May last?

A. I did.

Q. Did you see that draught after it was copied of the Receiver and examined, and previously to its being taken from the files by Mr. Lippincott?

A. Not that I recollect.

Q. Was a letter-book kept in the office of the Receiver at Edwardsville?

A. I believe there is.

Q. Is this letter from the Receiver copied in that book?

A. I think that in the letter-book I saw, that letter does not appear. There are also other letters, and one or more, I think, from Mr. Crawford, which are on the files in the office, which are not recorded in the book I examined, or if they were I did not see them.

Q. Are there any of the letters from the Receiver to the Department of the Treasury, of the same year with the alleged letter, which are not recorded in that book? I include Mrs. Stevenson's letter in this question.

A. My examination of the letter-book was so slight that I cannot pretend to say whether it was so or not. I do not recollect whether Mrs. Stevenson's letter appears upon the letter-book or not. It is my impression that Mr. Crawford's letter of the 1st of November, 1819, is not recorded in the book that I saw, though I cannot speak with certainty about it.

Q. Were you not engaged, prior to your journey to Edwardsville, in preparing a publication with respect to these documents against Mr. Crawford?

A. To that question I positively object. My communication to the House is here; it speaks for itself; it cannot be material when or where it was written.

[The committee decided he was not bound to answer.]

Q. You have stated in your communication to the House of Representatives that you are the author of the A. B. publications which accompanied your address; are you not also the author of the other A. B. publications which appeared either before or since in the *Washington Republican* against the Secretary of the Treasury?

A. To that question I object to answer. I am answerable only for those A. B. publications which I have acknowledged.

[The committee decided that he was not bound to answer.]

Q. Have you not, at another time, denied your being the author of the said A. B. publications which you now avow?

A. To this question I also object to answer.

[The committee decided that he was not bound to answer.]

Q. The packet I now present to you contains the original address presented by you to the House of Representatives; will you please to separate those parts of that address which were sent to this city by mail, from those parts which were supplied after its arrival here?

A. The communication is before the House as a whole, and as a whole was referred to this committee. I do not feel myself under any obligation to state how its several parts got here.

[The committee decided that he was not bound to answer.]

Q. I wish to know whether you are not the author of the printed letter now shown to you, and which is contained in the *Washington Gazette* of the 24th December, 1821, and dated the 12th of that month, and purporting to be written by a gentleman in Ohio?

A. I do not consider myself bound to answer the question, unless the committee shall so direct me.

[The committee decided that he was not bound to answer.]

Q. Are you the author of all those A. B. publications which accompany your memorial to Congress.

A. I am.

Q. Were not the materials of your memorial to Congress collected and prepared by you before you had seen that letter of Mr. Crawford to Congress which you allege to be the ground of that memorial?

A. I had no intention last session of attacking Mr. Crawford, unless it should be necessary to my own defence, or unless I myself had been attacked. I had no knowledge of Mr. Crawford's report until the morning after it was made. A copy of it was then brought to my room by Mr. Cook, in consequence of which I changed my determination to have left here on that day, and endeavored then to collect such documents as I thought might be useful to me in case I should reply to it. Not one word of my address to the House was written in the City of Washington, nor have I any recollection of having conversed on the subject of Mr. Crawford's report with but three members of the House of Representatives, viz: Mr. Cook, Colonel Moore, and Mr. Campbell of Ohio. I left the city the next day, the 24th, without any settled plan of answering it, and, with the aid of no other materials than those I collected here in the city, and my own memory. In making the references which are contained in my address to the House of Representatives, I had recourse, in general, to the A. B. publications which I had collected here, and which contained a reference to those documents. I occasionally made some notes on my journey to Wheeling, where my address was written, and from which place it was sent to this city; and I expect the documents referred to by Mr. Forsyth, as having been furnished here, were obtained by Mr. Cook, to whom I wrote for that purpose. I regretted the necessity that I felt myself under to write at all, and would not have done so, if I could have hoped, by any more pacific means that would not have been degrading, to have obtained a withdrawal of an insinuation which I conceived was calculated to injure me. Every single thing used in my address to the House was collected from a mass of my own private papers, and by two of my friends as they could get them elsewhere, after the report of Mr. Crawford was presented. These things, thus collected, with the aid of my own memory, constituted the materials from which my address to the House was written.

Q. Did you not, immediately after Mr. Crawford's report was made to Congress, and before you left this city, state to Mr. Campbell, of Ohio, that you then had twenty or thirty pages prepared against Mr. Crawford? State what conversation took place between you and Mr. Campbell, on that subject.

A. I think it was on the morning I left this city, that I met with Mr. Campbell, who introduced a conversation concerning this report of Mr. Crawford's, by asking me whether I had seen the report, and appeared, from the remarks which he made, to consider that report as containing an attack upon me. He spoke of its being presented at so late a period of the session. In the course of the conversation, I mentioned to him that I considered it, on this last account, as being very ungenerous, or words to that effect. I stated to him that I had, during last Summer, received information that I was to be attacked at the then ensuing session of Congress; and I think it is probable I stated to him the particulars of that information. Thinking it so probable that I may have stated it, I will now repeat what the information was. In travelling through Kentucky last Summer, in Russelsville, I received a confidential communication from Virginia, stating that I was to be attacked, as is before alleged; that Governor Coles, of Illinois, was expected to co-operate in the attack, and advising me to come on a week or two before the meeting of Congress, to be prepared for it. In consequence of this information, and not expecting to return home for some considerable time, I wrote to Mr. Cook to call upon Governor Coles upon the subject. And I have since seen a correspondence between Mr. Cook and Mr. Coles, on the subject, which I mention, because it affords to any who may be inclined to make a further inquiry, the means of ascertaining the truth of the fact. Under an expectation thus produced, I had been engaged in writing, and in preparing for the warfare which I expected was to come on, and I believe I stated that fact to Mr. Campbell. I know that I alluded to it, in speaking to him, but there is nothing copied into my address that I had previously written with that view. In consequence of the impression which Mr. Campbell's conversation left upon my mind, that he thought I ought to answer Mr. Crawford's statement, I wrote back to him, while on my journey, that I should do so the first leisure time I got, and intimated that I did not expect to occupy more than three hours in doing it. I do not know whether he received the letter, but I expect that he did.

Q. Did you not state, in that conversation, to Mr. Campbell, that you had written twenty or thirty pages against Mr. Crawford, which you could not complete until you got to Wheeling, for want of documents which you expected to find there?

A. I do not recollect that I made such a statement to Mr. Campbell; but I think I made some allusion to what I had written, and stated some things, in general terms, admitting my preparation to meet, and determination to repel, an attack that I had expected would have been made upon me; but I cannot suppose that I could have stated to him any thing like preparation for the particular case of Mr. Crawford's report, which was entirely unexpected to me.

Question by Mr. Forsyth. In one of the A. B. publications, which accompany your memorial to the House of Representatives, you refer to a short article calling the public attention to suppressions by the Secretary of the Treasury, which produced an investigation in that House. Do you allude, in this part of your publication, to the article which was the foundation of what you call, in your address, the A. B. plot?

[The Committee decided that this question was inadmissible.]

Question by Mr. Forsyth. When did you reach Wheeling, after leaving this city, on the 24th of March last?

Answer. My impression is, that I arrived there on the first Sunday in April, which was the 4th day of that month.

Q. When did you leave Wheeling?

A. I have no distinct recollection of the precise day, but think it was on or about the 12th of April.

Q. Did you apply to the President of the United States, or the Secretary of State, before you left Washington, for permission to remain here for a short time, for the purpose of defending yourself from the accusation which you understood Mr. Crawford to have brought against you?

A. I did not. I have never seen the President since I saw the report of Mr. Crawford to Congress.

Q. Was there any thing in your instructions which prevented you from remaining in Washington which did not equally apply to your remaining at Wheeling, on this business?

A. I had no written instructions at that time. But the President had expressed great anxiety that I should get off as soon as possible; and the arrangement was, that I should leave this city, so as to attend to my own business, and be ready to meet the vessel at New Orleans on the 1st of June, at farthest, which was to carry me out. In conformity to which, I left this city on the 24th, went to Baltimore to settle some private business, and also to lay in some articles which I intended to take to Mexico. I afterwards went to Wheeling, where I also had private business to attend to, connected with a part of my business in Baltimore.

Q. You knew, then, that you were not expected to leave the United States till the 1st June?

A. The arrangement was, that I should reach New Orleans by the 1st of June at farthest; and this left me but little time, considering the extent of my business, to arrange my private affairs, preparatory to going to Mexico. I did not believe, at the time, nor do I yet believe, that the President would have consented to my staying for the purpose suggested by Mr. Forsyth.

Q. Was not the vessel in which you were to embark, in a course of preparation for her voyage, when you left this city?

A. If the vessel had arrived here, I did not know it. It was expected that she could reach New Orleans about the 15th of May; but there was no certainty; and, I think, she had not arrived.

Q. You say "it was expected." What do you mean by that expression?

A. I waited upon the President in consequence of a wish he had expressed for my early departure; and, in conversation with him, he requested me to go to the Secretary of the Navy, and inquire about a vessel to carry me out on the mission. I called on the Secretary of the Navy, who called in Commodore Rodgers to consult upon the subject—and, from them, I understood, that the vessel, in which it was concluded I should go, had not arrived, but was, shortly thereafter, expected. Commodore Rodgers spoke of some repairs which would have to be made upon the vessel; made some calculation as to the time these repairs and the voyage to New Orleans would take; and, in this way, "it was estimated that the vessel could probably reach New Orleans about the middle of May, or between that time and the 1st of June."

Q. You stopped at Wheeling, then, instead of at Washington, for your own personal convenience?

A. I left here because it was necessary to attend to my business at Baltimore, and a part of my business at Wheeling, which was in the route to my own home, that I intended to visit previous to my departure.

Q. I see, by referring to your address, that, in addition to the numbers of the Washington Republican, there are ten numbered documents, from No. 1 to No. 10. Were not all these documents in your possession at the time Mr. Crawford's report was made to Congress?

A. They were not. I had no expectation of such an attack as was contained in Mr. Crawford's report—and had made no preparation in anticipation of such an attack as constitutes the subject of that report in relation to myself.

Q. Which of these documents were then in your possession?

A. I had No. eleven (11)—I had also No. 7—I had the paper from which No. 3 is taken—all among my papers, but not collected for any purpose of attack. I may have had some of them in the published documents; but, I think I had, at that time, none of those documents in my possession. I was preparing to leave the city, and, if I had had any printed documents but my own, I presume I must have returned them; and my own I had sent to Mr. Cook. Nothing was collected or prepared for the subject of my memorial, or to be used for any such purpose, till after Mr. Cook furnished me the copy of the report.

Q. Did you send your address by mail from Wheeling?

[The Committee decided this to be an improper question.]

Q. Do you know when that address arrived in Washington?

A. I do not know, but presume it must have arrived here the latter part of the week before it was presented to Congress. After it was written in part, it was detained for some time, with the hope that I should have been able to obtain a document I wanted, from the residence of the honorable Mr. Ruggles, about ten miles from Wheeling—to which residence I sent twice to procure it. It was kept open from the paragraph preceding the last on page 24 of the printed address. I had intended to have pursued the subject farther at that time; but, from indisposition, from the want of the document I desired, and from my anxiety not to be longer detained, I concluded not to do so; and I referred to the A. B. publications in consequence thereof. I had to have a copy of it made, which would, of itself, have occasioned some delay, and this was increased by waiting for the document above alluded to. I sent on the copy of such part as was ready, as I believe, by mail before the original was forwarded. I think I enclosed it to Mr. Cook. When I left Wheeling, my intention was, to avail myself of the earliest opportunity of making an additional defence; and I did not expect to be able to make a full defence until I could reach Edwardsville, where I hoped to find some of the documents that would establish the truth of my statements. On my journey, at Shawneetown, in Illinois, I found my publication of 1819, announcing my intention to retire from the Bank of Edwardsville, from which place I transmitted that publication to this city; and, after my arrival at Edwardsville, I wrote another address to the House of Representatives, and had obtained documents to accompany it, which I was prepared to transmit when the Sergeant-at-Arms arrived at my house—intending, if Congress had adjourned, to get the same inserted in the National Intelligencer, if I could.

Q. Did you transmit the original of your address by mail? and, if so, when did you put it into the post office at Wheeling?

A. I did not put it into the post office myself; I gave it to a gentleman to put in for me, the post office being at a considerable distance from my lodgings, and I expect he did so, in time for its arrival here in the latter part of the week before it was presented to Congress.

Q. Who was that gentleman?

A. It was some one of the gentlemen about the house where I stayed, but I don't recollect which one.

Q. On what day of your stay at Wheeling, did you deliver it to him?

A. I have no recollection except from the calculation which I think I then made as to the probable time of its arrival here, and I, therefore, suppose it must have been about the 10th or 12th of the month.

Q. You intended, then, that it should arrive the latter part of that week?

A. I knew from the time I delivered it to be put in the mail, that it could not arrive before that time—and I intended it should arrive by the due course of mail.

Q. Do you know when the copy of your address was finished?

A. I do not know the particular day; but I think that the copy, so far as one was made, was sent on by the first mail after it was finished. And that it was sent in the mail before the original was sent.

Q. Please to read this address in the Washington Republican of January 20, 1822, signed A. B., and addressed to Gales & Seaton. Is that the publication to which you refer in one of the A. B. publications communicated with your address, (page 62 of that address.) A. It is.

Q. Were you not just about to leave Edwardsville when the messenger from the House of Representatives arrived?

A. I expect I should have left it for New Orleans in about three days.

Q. Did you find, in your examination of the office of the Receiver, any letter from the Secretary of the Treasury, to which that conversation could possibly refer, which you had with Mr. Stephenson after your return from Congress, respect-

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*The 8 preceding pages are erroneously paged: folio 3000 should read 2800, &c.

ing the letter he is said to have written on 12th October, except the letters of the first of November, 1819, and the 20th April, 1820?

A. I did not.

Q. I remind you that in the 4th quarter of 1819, there was a deposite of upwards of $50,000, made by Mr. Stephenson, in the Bank of Edwardsville, and I ask you whether you think it possible he could have referred, in that conversation, to the letter of the 20th of April, 1820?

A. At the time of that conversation I did not know what deposites he had made after 12th October, 1819, nor to what amount. I think it possible he may have referred to the letter of April, 1820, although I consider that the letter of the 1st November, 1819, was the letter written in consequence of the Receiver's letter of the 12th October preceding. The letter of November directs the Receiver to deposite the money he should have in his hands on the last day of that month, in the Bank of Edwardsville; but I think it contains no express order in regard to future deposites. A letter of the same date was written by Mr. Crawford to the Cashier of that bank, with an enclosure, and the paper I have presented to the committee was delivered to me by the Cashier of the bank as being that enclosure, from which it would appear that both the Receiver at Kaskaskia and at Edwardsville had been directed to make their future deposites in the Bank of Missouri, until otherwise ordered. And it appears, by the letter of the 20th April, that the Receiver at Edwardsville was specially directed to make his deposites in the Bank at Edwardsville. Being President of the bank, to the Cashier of which the letter was directed, he may have supposed he was bound to take notice of the information which it is natural to suppose he must have received concerning the order contained in that enclosure. But these are all circumstances which have come to my knowledge since the conversation alluded to, and I cannot undertake to say what letter it was the Receiver referred to in that conversation.

Q. Do you know that in January and February, 1820, notwithstanding this circumstance, he did make deposites in the Bank of Edwardsville?

A. I do not. I was at Congress during the time spoken of, and I have no recollection of having known any thing at that time concerning his deposites; all I know on the subject is from recent publications. I am under the impression that, during the Winter succeeding the letter of 1st November, either Colonel Johnson or myself was written to on the subject of the enclosure above spoken of, but my recollection is so indistinct that I cannot speak with any certainty about it.

Q. It is stated in an account current of Benjamin Stephenson with the United States, printed with Mr. Crawford's publication, ordered to be printed on the 11th of May, No. 13, that there was cash deposited in the Bank of Edwardsville, on the 31st January, 1820, amounting to $2,526 82; and in another account, No. 14, that there was cash deposited in the same bank, by Stephenson, on the 29th February, $2,881. If these statements are true, do you now think it possible that the letter of the 20th April was the letter alluded to in that conversation before mentioned by Mr. Stephenson?

A. I still think it possible. His own letter being silent on the subject of the future deposites, he may have thought that that would have justified him in continuing to make those deposites; and yet, from the enclosure above referred to, Mr. Crawford may have intended to prohibit their being made there. I have already stated that my impression is, that Colonel Johnson, or myself, received a letter on the subject of that enclosure, and suppose the enclosure and the Receiver's letter together may have occasioned the latter some uncertainty how he was to act.

Q. You speak of your impressions concerning a letter to yourself or Colonel Johnson. By whom was that letter written?

A. My impression is that it was written by the President of the bank, who was also the Receiver. Colonel Johnson's brother-in-law holding a very large portion of the stock of that bank, he has been principally relied upon for some years past to make all negotiations with Mr. Crawford concerning it that have been made here, and we have generally had conversation upon the subject when he has had to act in those cases. If I received the letter, no doubt it was communicated to him; and if he received one, it is equally probable that it was shown to me.

Q. Do you know that the Receiver at Edwardsville ever saw that paper called the enclosure in the letter of 1st November?

A. Of my own knowledge, I do not, but I should think it very strange if he had not seen it, he being the President of the bank.

Q. In examining the records in the Receiver's office, did you see a letter from Mr. Crawford of the 1st November?

A. I did.

Q. Does it contain any direction to the Receiver to deposite moneys in the Bank of Missouri?

A. I think not. I have already stated that I believe it is silent as to his future deposite, after the one therein specially referred to.

Q. The letter to the Receiver, of 1st November, and the enclosure of which you speak, differ in this respect. That part of the enclosure which relates to the Bank of Missouri is not found in the letter to the Receiver. Is there not this difference?

A. The letter which I saw at the Land Office at Edwardsville from Mr. Crawford to the Receiver, of November 1st, 1819, I feel confident contains no directions to make the deposite in the Bank of Missouri, but is silent, as I have before stated, as to future deposites.

Q. Could the Receiver, if he had seen this enclosure, have doubted about the propriety of continuing his deposites, with the letter of 1st November in his hands?

A. I think he could.

Q. In giving your advice to the Receiver in the Fall of 1819, did you give it in the character of his friend, or as a person holding a high place in the Government, with a view to promote the public interest?

A. At that time I had lost confidence in banks generally, so much so that I did not wish to be held responsible for any bank. I advised the Receiver as a friend to him, and also with a view to free myself of all responsibility for the bank, by placing things in such a situation that Mr. Crawford could act in the case as he should think fit on his own responsibility, leaving the funds in the Receiver's hands entirely to his control.

Q. Did you consider the funds of the United States safer in the hands of the Receiver than in the Bank of Edwardsville for ninety days?

A. I considered the funds, at that time, as safe in the hands of either, with this difference, however, that the bank might have been more liable to use them than the Receiver.

Q. Did you not, after or about this time, write to a Paymaster or Paymasters, recommending, suggesting, or soliciting him or them to pay the troops of the United States in notes of the Bank of Edwardsville?

A. I have no recollection of having written to any Paymaster at all on the subject. I had at that time as much confidence in the notes of the Bank of Edwardsville as in any other of the local banks. Their notes were receivable in the Land Office, and were current in that part of the country, and I should suppose might have been taken by persons to whom the Paymaster was to make his payments, as safely as any other notes in that quarter of the country, nor should I have had any objection to recommend them to any Paymaster as readily as any others of the notes of the local banks which circulated there. I think about that time I had heard of some order having been given by the War Department, which, as well as I now remember, required the troops to be paid either in Missouri paper or in specie; and I think I wrote to the Secretary of War, and probably to other persons, probably to Colonel Johnson, complaining of the order.

Q. Do you recollect whether it was before or after you attended Congress, that you wrote these letters?

A. I do not recollect the time, but I suppose it must have been after the first, and before the second session I served in Congress. The bank only got into operation a short time before my departure for Congress, in 1818. I recollect but little of the case alluded to. I am, however, strongly impressed with a belief that there was, or that I so understood it, an order to Paymasters that I considered very partial to the Bank of Missouri.

Q. Was the letter which you wrote at the request of Mr. Stephenson, dated on the same day on which it was copied?

A. I do not recollect, but I presume it was.

Q. Did you see him, on that day, enclose a printed copy of your publication? and were both in the same package?

A. It was on the same day, and I think both letter and paper were put in one cover.

Q. Was the Land Office then kept in Mr. Stephenson's house, or in a separate building?

A. It was in a separate building, not far from his house.

Q. Did you see him carry the letter to the post office; or do you know that he did so?

A. I did not see it put in, nor do I know that it was. The post office was at a considerable distance from the place.

Q. At what time of the day, in the morning or the afternoon, was the copy taken?

A. I do not recollect.

Q. Did you make the draught at the office, or in your own house, before you went there?

A. I think it was written in my own house.

Q. Was it made on the same day on which it was copied, or the day before?

A. I do not recollect, but I think it was on the same day.

Q. At what hour of the day did the mail leave Edwardsville for Washington City, at that time?

A. I do not remember the hours of arrival or departure.

Q. How long does it usually take letters to reach Washington City, from Edwardsville, by mail?

A. From sixteen to eighteen days, I think, in regular course of mail, and when the weather is good; but it may be very much delayed when the weather is bad. The mail has been very irregular.

Q. What is the average time in which you have received letters from that place, when you have been in this city? Would twenty days be an unreasonable allowance?

A. I do not know how to make an average; miscarriages are more liable to happen in the Winter time, not only from accidents, but from the accumulation of letters, and I cannot now specify in how long a time I have received a single one of my letters after it was mailed from there. I think I have received much fewer in twenty days than those which have taken a longer time. The mail has been irregular in the Winter time, during the sessions of Congress, or letters at least have arrived very irregularly.

Q. I understand you to have said, that, but for the Secretary's report to Congress, on the 22d of March, you would have gone quietly to Mexico, without disturbing yourself with any of those charges against him?

A. I believe I have stated, and I now state again, that I should not have made the attack upon Mr. Crawford, if I had not considered him as attacking me.

Question by Mr. Webster. Have you been pretty well acquainted with the general operations of the Treasury, in the Western States, for several years, in regard to to the collection of the public debts?

A. I have been, in regard to the collection from the sale of public lands, but of the special facts contained in the documents, I had no other means of knowing than every other member of Congress, except what I knew from being a director of the Bank at Edwardsville, while I was such.

Q. When did you first become a member of Congress?

A. I was elected in 1818.

Q. Have you continued a member, without intermission, from that time until your recent diplomatic appointment?

A. I have.

Q. Have you, generally, attended the sessions of Congress?

A. I have.

Question by Mr. Livingston. Do you know any thing further, of your own knowledge, in support of the facts and specifications against Mr. Crawford, contained in your memorial?

A. Nothing that I recollect, at this time, that relates to the matters specifically alleged in my Address to the House.

NINIAN EDWARDS.

June 16, 1824.—*Mr. Edwards being again called.*

Question, by Mr. Forsyth. You state that you received from the Cashier of the Bank of Edwardsville an enclosure, contained in a letter from Mr. Crawford to him, of 1st November, 1819. Can you state whether there was not another paper enclosed in that letter?

A. I cannot. I neither saw nor heard of any other.

Q. For what purpose was your address to Congress, and the letter to the Speaker accompanying it, sent in a different manner and to a different person from the documents and the copy of the address, which you state was first sent?

[The committee decided that the question should not be put.]

Q. You state, in one of your addresses to the public, at Louisville, dated 18th May, 1824, that you sincerely believed, and had been advised by your most dispassionate friends and other impartial gentlemen, that it was absolutely and essentially due to your own character to enter into this controversy with Mr. Crawford. I wish you to state who these dispassionate friends and impartial persons were.

A. I object to the question.

[The Committee decided it should not be put.]

Q. Did not your affidavit, before the committee of investigation of the last Congress, with respect to this correspondence, which you allege took place between the Secretary of the Treasury and Mr. Stephenson, impose upon the Secretary the necessity, when he made his final report, either to produce that correspondence or to account for the omission to produce it?

A. I submit the question to the committee.

[The Committee decided it should not be put.]

Q. Do you think it possible that, in the year 1819, a letter should have come by mail, from Edwardsville to Washington, from the 16th of October to the 1st of November following?

A. Judging from the statement I have to-day seen, from the Post Office Department, I should think it was not; but, if the letter of the Receiver did not leave Edwardsville before the 16th of October, I do not believe that Mr. Crawford's letter to the Receiver, of the 1st of November following, was written or sent on the day of its date, unless the letter of the Receiver was sent, by private conveyance, to Louisville, and mailed there.

Question, by Mr. Floyd. When, in your deposition, heretofore taken, you mention the name of "Colonel Moore," to what Colonel Moore did you allude?

A. To a representative in Congress from Alabama.

Q. by Mr. Floyd. You state that you had prepared another address to the House of Representatives, subsequently to writing the first, which, should Congress have adjourned, you intended to get published in the National Intelligencer, if you could. What was your object in wishing to have it so published?

A. I thought I had obtained sufficient testimony to establish my innocence of the charge or imputation which I understood Mr. Crawford as having made against me; and I wished to lay that testimony and my address before the people of the United States.

June 19th.—Mr. Edwards further examined.

Q. by Mr. Forsyth. Have you, or have you not had, in your possession, the paper which you say Lippincott found in the Receiver's office in your hand-writing, at any time since the 12th of October, 1819?

A. I presume that the draught of the letter of the Receiver of the 12th of October is alluded to. There is nothing that I more firmly believe than that I have never seen that paper from the time it was copied by the Receiver, as has been before stated, until it was found by Mr. Lippincott in the office, in April or May last, as has also been stated. I then had it in my hands, and read it, I believe, more than once, but never had it in my possession, out of the office, after it was so found by Mr. Lippincott.

Q. Do you know who prepared the rough draught of the letters from the President of the Edwardsville Bank to you, of January 7, 1820, to the Secretary of the Treasury of the same date, and to the Secretary of the Treasury of the 18th of April, 1820, or either of them?

A. I do not.

NINIAN EDWARDS.

James Noble, of the Senate, sworn, on the part of Mr. Crawford.

Q. You were employed by the Treasury in some arrangements with the Bank of Vincennes, were you not? Will you be so good as to state whether, in your opinion, the debt due by that bank to the Government is secured, or any part of it, and, if any, what?

A. So far as I had the agency in it, which is to the amount of about $26,000, I believe and consider the debt as secured.

Q. Do you consider the claims of the United States on that bank, apart from the collateral security, as being safe?

A. As to the residue of the claim which the United States has against the Bank of Vincennes, I know nothing of it, except from information which has been derived from the Directors, who say that the bank is able to pay the debt, and has secured its payment. A part of that debt, consisting of $10,000, (not included in the $26,000 beforementioned,) was transferred by that bank to the Treasurer of the United States, in a draft on John H. Piatt, secured by two good endorsers; and, from very recent information, I learn that this draft is now in the hands of the Treasury Department, or the District Attorney, Mr. Dewey, and in a train to be recovered. A further sum of $7,000 is secured in obligations against the State of Indiana, which is a matter in negotiation between that State and the Treasury of the United States.

Q. Have you had any conversation with Governor Edwards concerning Mr. Crawford's management of the Western banks, and concerning his authorship of the A. B. letters?

A. I have; and it was introduced by himself.

Q. State that conversation, with the time and circumstances.

A. The precise day I cannot recollect; it was pending his nomination made by the President of the United States to the Senate, as Minister to Mexico; and it was after the 21st or 22d of February last. I make this statement, from the fact, that on the 21st or 22d of February, I went to Mrs. Queen's to board, where Governor Edwards resided, and this conversation was after I went there. He stated that he was about to be attacked in the Senate of the United States for the purpose of defeating his nomination; that party and political spirit was now high; that he understood that charges would be exhibited against him, and that it had been so declared in the Senate Chamber. I remarked to Governor Edwards that he well knew, according to the rules of that body, while on Executive business, secrecy was required; that I was not at liberty to mention any occurrence, or the remark of a single member, excepting so far as related to myself; that I was not governed by party or political feelings or motives; that I adhered to the expression made use of by Jefferson—and the only inquiry with me was, is he capable and is he honest? Governor Edwards then remarked, that, although secrecy was required in that body, yet he was informed almost every day of the transactions and remarks of individuals when his nomination was called up; and he added, "Noble, I shall not forget you." I then replied, that I did not understand his meaning. He said it was unimportant—he was satisfied I was not governed by the party feelings which were then prevailing. It was on the day, in the evening of which this conversation took place, that I had moved to take up his nomination in the Senate. This must have been his meaning, when he said he would not forget me; for he explained it the next day, and said he had heard that I had done so. Mr. E. farther remarked, that he knew me to be the decisive friend of William H. Crawford; and, said he, I am considered as being his bitter enemy—and I am charged with being the author of the numbers signed A. B.; but, (raising his hand,) I pledge you my honor, I am not the author, nor do I know who the author was. Crawford and I, said Mr. Edwards, have had a little difference, but I have always considered him a high-minded, honorable, and vigilant officer of the Government; he has been abused about the Western banks and the unavailable funds; (leaning forward and extending his hand,) he added, now d—n it, you know we both live in States where there are many poor debtors to the Government for lands, together with a deranged currency. The notes on various banks being depreciated, after the effect and operation of the war in that portion of the Union, and the banks, by attempting to call in their paper, having exhausted their specie, the notes that were then in circulation became of little or no value. Many men of influence in that country, said he, have united to induce the Secretary of the Treasury to select certain banks as banks of deposite, and to take the notes of certain banks in payment for public lands. Had he not done so, (meaning Mr. Crawford,) many of our inhabitants would have been turned out of doors, and lost their lands; and the people of that country would have had as universal disgust against Mr. Crawford; and I will venture to say, said Mr. Edwards, notwithstanding I am considered his enemy, that no man in this Government could have conducted the fiscal and financial concerns of the Government with more integrity and propriety than Mr. Crawford did. I farther remarked to Governor Edwards, in speaking of his nomination, that, inasmuch as he was nominated by the President, unless some charge was brought against him, I had already evinced in the Senate my disposition to vote for the confirmation of his nomination, without any previous consultation with him; but added, if I had the power of making the nomination, I would not have nominated him; and, as an evidence of it, I had written a letter to Mr. Monroe, urging the nomination of William Henry Harrison, and with that letter I had enclosed the unanimous recommendation of the members of the Legislature of Indiana in favor of General Harrison.

Question by Mr. Cook. When Governor Edwards mentioned to you that he received information of what the Senate was doing, did he not at the same time observe that he was a member of the Senate, and had a right to know what they were doing as much as any other member?

A. If he made that observation, I do not recollect it. He might have done so.

Q. When you had this conversation with him, had not the Richmond Enquirer on that, or some day not long before, been received in this city, containing an allegation that Mr. Edwards, "the author of the A. B. plot," had been nominated as Minister to Mexico? and can you say positively that the denial of the authorship on the part of Mr. Edwards did not relate to the plot instead of the writings themselves under that signature? and did not the conversation grow out of that publication?

A. I saw an article in the Richmond Enquirer, stating that Ninian Edwards, the "author of A. B." or "of A. B. plot memory," (I do not recollect which,) had been so nominated. The paper

I saw at the boarding-house of Mrs. Queen, and I think in the hands of Mr. Elkins; whether it was before the conversation with Governor Edwards, or afterwards, I do not distinctly recollect. I am inclined to think it was after the conversation; but I am very well satisfied, that, in the conversation with Governor E., when he declared himself not to be the author of A. B., and pledged his honor to the declaration, that I understood him to have an explicit reference to the numbers signed A. B. which appeared in the Washington Republican; and I so understood him, because he had reference to the reports of the two committees who examined into that subject at the previous session of Congress. No allusion whatever was made in this conversation to the article in the Richmond Enquirer.

Q. In the course of the conversation, was reference made to any particular numbers of the publications signed A. B.

A. There was not.

Q. Was the name of General Cocke at all introduced?

A. It was not.

Q. When did you first mention the conversation you have now repeated as having passed between yourself and Governor Edwards? and to whom?

A. According to the best of my recollection, I never repeated it to any person until the evening of the day that I was informed that Governor Edwards's address was presented to the House of Representatives; on that evening, in conversation with several of the members of that House, amongst whom were Mr. Reed and Mr. Nelson, some of whom said that Governor Edwards had avowed himself to be the author of A. B., and others said that he had not done so, I remarked that they must have misunderstood the address, for Governor Edwards had pledged his honor to me that he was not the author of A. B. In the same evening I made the same remark to Mr. Elkins.

Q. Did you mention the subject to any member of the Senate?

A. Not while his nomination was pending, nor before his address appeared; afterwards I spoke of it, without reserve.

Q. I perceive from the Richmond Enquirer that a letter, purporting to have been written in the Senate Chamber, and dated April 26, 1824, states, that "Mr. N. Edwards declared to Mr. Noble, Senator from Indiana, that he was not the author of the A. B. publication; he did this pending his nomination as Minister to Mexico; in consequence of this declaration, Mr. Noble states that he voted for him:" Did you make any such communication to any member of the Senate?

[Mr. Forsyth objected to this question, and the Committee decided the question was improper.]

Q. Did you ever have any conversation with Colonel Benton, of the Senate, on the subject of your conversation with Mr. Edwards?

A. Yes.

Q. In the conversation you had with Mr. Edwards, did he speak of the original plan adopted by the Secretary of the Treasury for the relief of the people of the West, or did he speak of the manner in which that plan was executed?

A. He spoke of the conduct of the Secretary of the Treasury generally.

Q. Did you understand the conversation you have mentioned as intended to affect your vote on the then pending nomination?

A. I did not suppose that that was its design, nor had it any such effect upon myself. I considered him as speaking as an honest man. If he had told me he was the author of A. B., it would not in my opinion have had the least weight with me whatever in relation to my vote; for I considered that matter as done with, and I had already taken an active part for him in the Senate.

Question by Mr. Forsyth. What do you now understand as having been the effect intended to have been produced by that conversation?

Answer. Governor Edwards having pledged his word and honor to me, unsought for, that he was not the author of A. B.; and having expressed his opinion of the integrity and vigilance of the Secretary of the Treasury, and mentioned that he expected an attack in the Senate, as I now suppose from the friends of Mr. Crawford, I consider him as having expected that I would take this information that he gave me into that body, and it would be the means of securing the confirmation of his nomination.

Question by Mr. Cook. Did Governor Edwards request you to mention what he had said to any members of the Senate, or did he afterwards inquire whether you had done so?

A. He did not.

Q. Did you, in the conversation with Mr. Edwards, signify to him that his being or not being the author of A. B., would have no influence on your vote?

A. I did not.

JAMES NOBLE.

Witness called again.

Question by Mr. Edwards. Please to state the value of each division of the property you received at Brookville as security for the debt of the Bank of Vincennes to the United States.

Answer. As to the value, it would be but mere opinion, and I cannot, from recollection, name each division of the property. But, at the time the property was conveyed by mortgage to the Treasurer of the United States, I supposed and believed that it would cover nearly the sum of $26,000, according to the terms of the mortgage, and the valuation fixed on the property by two disinterested persons who had valued it previously to its being conveyed by the owners to attorneys or trustees for the use of the Directors of the Bank of Vincennes, and for the purpose of discharging their debts, as will fully appear from a report of the Treasury Department, marked F, and dated 29th April, 1822, (see Executive papers of second session of 17th Congress.)

Q. What is its present value?

A. It is impossible for me to state.

Q. Was it not your opinion, while my nomination was pending, and shortly after you came to Mrs. Queen's to lodge, that there would be no opposition to it in the Senate?

A. It was my opinion that there would be an opposition, and you yourself told me that there would; but the fact turned out that there was no opposition, for reasons which you know. You know that the opposition was expected from Colonel Benton, and he was sick. I did not know what the charges to be brought against you were, and I told you at the same time that if there were no charges brought, I should vote for you and should not regard political feeling. You remarked to me that the friends of Mr. Crawford would oppose you. I replied, that some of those whom I knew to be his friends would scorn such a line of conduct—I mean, would scorn to suffer political feeling to bias their votes in such a case.

Q. Where did the conversation which you have testified as having passed between you and myself take place?

A. In my room, at Mrs. Queen's.

JAMES NOBLE.

John Mason sworn, on the part of Mr. Crawford.

Question by Mr. Forsyth. Have you, or not, had a conversation with Mr. Edwards, concerning the A. B. publications? and if so, state what it was.

Answer. I had such a conversation with Mr. Edwards, and, as far as I recollect, it occurred while his nomination was pending in the Senate, and before it had been confirmed, but of this I will not be positive. He stated to me that there would probably be, or that he had expected, an opposition in the Senate, and that one of the grounds of that opposition was the authorship of the A. B. publications, which had been imputed to him; that as to that, although it was well known that he had taken a decided stand against Mr. C., he had done nothing which he had hesitated to avow, or would hesitate to avow, (I cannot be certain which he said,) and that his opposition had been open and fair.

J. MASON, Jr.

Mr. Mason called again

Question. When you first saw me, after I occupied the *back* room of Mrs. Queen's boarding-house, what was the state of my health?

Answer. You were, as I thought, quite ill.

Q. Was not this shortly after my nomination?

A. It was.

Q. Was it at this time that you had the conversation you have related?

A. It was subsequently to this visit.

Q. Had I not then got well?

A. You were then certainly much better.

J. MASON, Jr.

Daniel P. Cook, of the House of Representatives, sworn, on the part of Mr. Crawford.

Question. Did you receive the address of Mr. Edwards, to Congress, by mail? and if so, at what time?

Answer. I received it on the Saturday next previous to the Monday on which it was presented to the House, accompanied by a letter through the mail, from Wheeling, requesting me to place it in the hands of the Speaker, after supplying some documents which were referred to in the memorial, but were not forwarded with it. These documents I supplied, and, on the next day, did place it in the hands of the Speaker.

Q. Was the address itself communicated by mail?

A. Yes.

Q. Did the address come through the mail addressed to you?

A. No.

Q. To whom did it come addressed?

A. I submit to the committee whether this is a proper question.

[The committee decided that the question ought not to be put to the witness.]

Q. State what reasons you have for knowing that it came by mail at all?

A. By the mail preceding that which I believe brought it on, I received a copy of a part of the same memorial, with a letter from Mr. Edwards stating that he expected by the next mail to forward it complete; and by the next mail I received a second letter from him, stating that he had by that mail forwarded the memorial, as suggested in his former letter; and the person to whom it was sent did early on that day place the memorial in my hands, which was in the original blank envelope, having the post mark of Wheeling upon it, and directed by Governor Edwards, whose handwriting I know; and therefore I believe that it came by mail.

Q. Was it opened?

A. The seal of the envelope had been broken.

Q. I think it was early in the day that you received your own letter and this envelope?

A. I think it was not later than ten o'clock.

Q. Do you not know that Mr. Edwards is not the author of those A. B. publications printed in the *Washington Republican*, which he has avowed in his memorial?

A. Since I understood he was the author of any of them, I have understood from him that he was the author of all those which relate to the subject of this investigation. I did understand that the first number of those publications was communicated to that paper by a different person, but I have since learned from Mr. Edwards that he wrote all of them which refer to the subject of this investigation, and I know nothing to the contrary.

Q. Did you, in supplying documents for that memorial, furnish any but printed ones?

A. I furnished none others. The rest came in the packet.

Q. Was postage charged on the packet you received?

A. If there was I have no recollection of it. I am sure I paid no postage.

D. P. COOK.

Mr. Cook called again.

Q. by Mr. Forsyth. Please to separate those papers which you furnished for the memorial of Mr. Edwards, from those which came enclosed to you.

A. I furnished one, and am not certain but two, of the A. B. publications; and I furnished Nos. 1 and 2 of the documents annexed to the memorial. My impression is that these are all which I furnished.

Q. You state that the seal of the envelope which was handed to you had been broken. Were the papers within it sealed up and directed to you?

A. They were not. I received six or seven newspapers and documents directed immediately to myself, but the memorial was not.

Q. What motive did Mr. Edwards state to you for sending the memorial to you indirectly?

A. He expressed none. The memorial and the letter to the Speaker of the House came in the same envelope. D. P. COOK.

Jeremiah Elkins sworn, on the part of Mr. Crawford.

Q. Had you a conversation with Mr. Edwards about the A. B. publications?

A. I have heard him allude to those publications, and mention his being charged with the authorship of them.

Q. State what took place?

A. I think it was an article in the *Richmond Enquirer* which led to the remark I heard him make, in which article it was stated that "Mr. Edwards, of A. B. plot memory," or words to that effect, had been nominated by the President as Minister to Mexico. Mr. Edwards observed that he was not the author of those publications; or, as I think the expression was, that he was no more the author than the editor of the *Enquirer* himself.

Q. by Mr. Cook. Where and when did this conversation take place?

A. It was at Mrs. Queen's boarding-house, and during the dependency of Mr. Edwards's nomination before the Senate. I cannot recollect the particular day.

Q. Was any other person present at this conversation?

A. Probably there were others present. I think it was either at dinner, or during the time that the boarders were coming in to dinner. Mr. Edwards inquired whether any gentleman took, or had seen the *Richmond Enquirer*, that he understood there was in it an article to the effect stated above, and then made the remark relative to it which I have mentioned.

Q. Can you remember in what part of Mrs. Queen's house he then had his room?

A. I do not recollect.

Q. Did General Noble then board there?

A. I think it was about the time General Noble came there—probably within a day or two before or after. Of this, however, I am not certain.

Q. Do you remember having any conversation with General Noble about that article in the *Richmond Enquirer*, before the presentation of Mr. Edwards's memorial?

A. No. I might have had, but do not recollect any.

Q. Had you the *Richmond Enquirer*, in which this article was contained, then in your possession?

A. It is impossible for me to recollect. The *Enquirer* was taken by Mr. Locke, a member of Congress from Massachusetts, who then lodged at Mrs. Queen's.

Q. Did you, at or about that time, hand or show that paper to General Noble?

A. I do not remember. Such a thing might have occurred without my recollecting it.

Q. Is that the only conversation you ever had with Governor Edwards on the subject?

A. I do not recollect any other.

JEREMIAH ELKINS.

Witness again called.

Q. by Mr. Cook. Did Mr. Edwards, in making the denial you have referred to, use the words "A. B. plot," or "A. B. publications?"

A. I knew of no difference between the two, and therefore do not recollect.

JEREMIAH ELKINS.

William W. Seaton sworn, on the part of Mr. Crawford.

Question by Mr. Forsyth. Did you ever have a conversation with Mr. Edwards, relative to the authorship of the A. B. publications?

Answer. Mr. Edwards spoke of those papers to me, incidentally. He came to our office to have, as he said, a free and frank conversation. It was the first time he had been there, to my knowledge, for a year. It was during the pendency of his nomination before the Senate as Minister to Mexico, and some time before Mr. Crawford's report was made to Congress. He wished to know, he said, if we would publish his defence. I asked him what defence—a defence against whom? He replied, that he expected to be attacked, and whenever he turned upon his enemies, he generally got the better of them, (or words to that effect.) He further said, (and this I remember distinctly, for he twice or thrice repeated it,) that when he commenced, he never stopped at the line of just retribution. I answered him, that, if he was attacked in our paper, he should have the free use of it to defend himself; that if he was attacked any where else, he should have the same rights extended to him as were extended to all other citizens; but he could have no positive promise of publication, until we had read the matter which he wished published. Passing then from that subject, Governor Edwards said he knew that we had thought him for some time hostile to us, on account of that foolish business of last session, (or that A. B. affair of last session—I do not recollect which phrase he used,) but he had nothing to do with it. Mr. Gales was present during the greater part, if not the whole, of this conversation. It was on the authority of this conversation alone, that we expressed in the paper our belief that Mr. Edwards was not the author of the A. B. publications.

Question by Mr. Cook. Had you not, previous to this conversation, said to others that you did not believe Mr. Edwards was the author of the A. B. publications?

Answer. At the time the A. B. papers appeared, it did not strike me that Mr. Edwards was the author; and when the subject was continued in the Franklin Gazette, after Congress had adjourned, and Mr. Edwards gone to Illinois, I believed that another member of Congress was the author. Such being my impression, I may have stated it, but do not recollect having done so. But the conversation with Mr. Edwards was the only authority beyond conjecture we had for stating that he was not the author; nor should we have published the paragraph, but for that conversation.

Q. Can you say distinctly that in that conversation Mr. Edwards did not speak of an imputed plot; and, in saying that he had nothing to do with it, that he did not refer to a plot, and not to the publications?

A. I do not distinctly recollect Governor Edwards's language, except so far as that it left a strong impression on my mind that he disclaimed having any thing to do with the A. B. business. He spoke of it generally, and I do not recollect that he made the distinction referred to in the question now put.

Question by Mr. Livingston. When you speak of the A. B. business, the A. B. plot, and the A. B. publications, do you not mean the same thing?

Answer. In applying some of those terms, I have used the language commonly applied to them, and understand them all to mean the same thing.

Question by Mr. Cook. Was not the word *plot*, as applied to the subject, first used in the National Intelligencer?

Answer. I cannot tell. It has frequently been used in the National Intelligencer; but I believe that epithet was applied to it by the public as early as it was by the National Intelligencer.

Question by Mr. Edwards. Do you not recollect that in the conversation which I had with you and Mr. Gales, I stated, that, in consequence of certain rumors about the publications of A. B., and what had been stated in your paper about an A. B. plot, that I might find it necessary to say something about yourselves, and show that there was no A. B. plot in the case at all—or words to that effect? And did not Mr. Gales reply?

Answer. Such a remark may have been made, but I cannot call it to my recollection. As it seems Mr. Gales replied to the remark, it is possible it was addressed to him; and on this account I may not particularly have noticed it.

Q. In saying (as you have done) that I intimated that I had nothing to do with the A. B. affair, did you not consider me as rather alluding to any effects it might have upon you, than upon others?

A. Your object at the time appears to me to have been to remove any impression of your entertaining feelings of hostility to us; but the concurrent impression which you conveyed to my mind was, that you were not the writer of the A. B. publications.

Q. Was not this an inference of your own, from the general scope of the conversation, rather than from any expressions of mine?

A. Your exact language I do not remember. I can only speak with certainty of its effect upon my mind, which is as I have stated. We thought the denial clear, because that was the "good reason" spoken of in our paragraph, which we stated ourselves to be in possession of, for not believing you to be the author.

Q. Did I not expressly state, in connexion with the conversation about the A. B. affair, that I had no intention of injuring you?

A. I think not; because that would have been a virtual admission that you were the author—and we understood you to deny being so.

Q. Do you not recollect my making the following remark—that I never was the aggressor in any controversy, and never would be; but that when attacked, I did not know that I always stopped at the just bounds of retribution?

A. Of this remark, I remember distinctly only that part which I have already stated; but the residue may have been expressed by you in connexion with it.

Q. In Mr. Dickins's testimony, he mentioned you as having procured the copying of some of the bank correspondence. By whom was this copying executed, and under what circumstances?

A. Being informed last Fall, by Mr. Little, of this city, that he should be glad to obtain from some of the public offices some clerical employment to fill up his leisure time, and knowing that, in times of pressure, writing was given out by some of the public offices, I inquired of Mr. Dickins, in the month of October last, if there was, in the Treasury Department, any extra writing he could give out. He mentioned that the voluminous bank correspondence, called for by a resolution of Congress, was more than the clerks in the office could get ready, and, as others were employed on it out of the office, if I knew of any trust-worthy person, he would give him a part of it to do. On my vouching for the integrity of the gentleman mentioned, Mr. D. gave me a bundle of the letters, which he wished might be copied without delay, as the Secretary of the Treasury was anxious to transmit the correspondence to Congress early in the session. These letters were transcribed in three or four weeks and returned. Soon after, Mr. Dickins called on me, and said he was afraid the other persons would not be able to get the remainder of the letters copied in time, and asked me if the same gentleman would undertake some more. He left another bundle with me, which were also copied. On their being returned, I inquired if he could tell me how soon the correspondence would be sent in. He could not say, as there was yet much of the correspondence remaining to be transcribed. I told him the same gentleman, and one or two others, also, would be glad of as much writing as they could get. I then received from Mr. Dickins a third large bundle of the letters, and they were immediately put in hand. I afterwards received several messages from Mr. Dickins to hurry the copying, as the Secretary was very impatient to send the correspondence to Congress, and as, after the copying should be completed, it would take much time to compare the transcripts with the originals. Toward the latter part of the copying, I received, every day, a message from Mr. Dickins, urging despatch, as all the rest of the copying was finished, and he was so importunate to have it done, that I was induced to obtain for Mr. Little the aid of an additional person. The precise time that this copying was completed, I do not remember, but it was, I think, some time in March.

W. W. SEATON.

Charles H. W. Wharton sworn, on the part of Mr. Crawford.

Question by Mr. Forsyth. Have you ever had a conversation with Mr. Edwards about the authorship of the A. B. publications? If yes, relate it.

Answer. Yes. I have had a conversation with him on that subject in December or January last, at his lodgings, at Mrs. Queen's. Mr. E. said he was not the author of the A. B. plot, that he did not know any thing about it.

Q. In what manner was this denial made, and in what words, so far as you can recollect?

A. The manner appeared to be solemn; the expressions were—"He would be d——d if he knew any thing about that d——d A. B. plot."

Q. How came he to say any thing about the A. B. plot?

A. I called upon Mr. Edwards for the purpose of procuring recommendations to the different Secretaries of the Departments with a view to obtaining for myself a clerkship. He stated that he was intimately acquainted with all of them, and could give letters to all of them, except Mr. Crawford, and a letter to him would do no good, for, (to use his own expressions) that he and Mr. Crawford "did not set horses together;" "that Mr. Crawford was under a belief that he was the author of the d——d A. B. plot, the authorship of which he disavowed; and he concluded by saying that he considered Mr. Crawford a very clever and honorable man.

Q. by Mr. Cook. Are you certain that Mr. Edwards, in speaking of an A. B. plot, did not say that he knew nothing of any plot?

A. I have correctly stated the conversation as it occurred.

C. H. W. WHARTON.

John S. Barbour, of the House of Representatives, sworn, at the request of Mr. Edwards.

Question by Mr. Cook. Have you had any conversation with Mr. Noble on the subject of a conversation held between him and Mr. Edwards, relative to the authorship of the A. B. publications? if so, please to state what that conversation was.

A. I will relate the circumstances under which such conversations were held. Shortly after the communication of the addresses of Governor Edwards, I read, with two members of the Kentucky delegation, a letter printed in the Richmond Enquirer, in which Governor E. is said to have declared to Mr. Noble that he was not the author of those publications signed A. B., and that, in consequence of such disavowal, Mr. Noble had voted to confirm his appointment in the Senate. I felt anxious to know whether such disavowal had been made for such a purpose. Under the influence of that anxiety, I met with General Noble in this Capitol, and heard him say that such was not the fact; that Governor E. had disavowed the authorship of those publications; that it had no connexion with his vote, as he was his friend, and should have voted for the confirmation of his appointment in any event.

Q. Did General Noble say, at that time, that he did not believe that disavowal was intended to have any effect upon the nomination of Governor Edwards?

A. All that I know of it is embodied in my answer to the first interrogatory.

Q. Have you had any conversation with Mr. Elkins on the same subject? if so, please state what it was, and when?

A. I think at some period of time, shortly after the address of Governor Edwards was presented to the House, and after the publication in the Enquirer, to which I have alluded, Mr. Elkins informed me in a conversation, sought by myself, that he had heard Governor E. incidentally remark, upon reading this article in the Enquirer, in which he is spoken of as "Ninian Edwards of A. B. plot memory," that he was no more the author of that plot than the Editor of the Enquirer—I speak with more preciseness of the conversation with Mr. Elkins than of that with General Noble.

JNO. S. BARBOUR.

Thomas H. Benton, of the Senate, sworn, on the part of Mr. Crawford.

Question by Mr. Forsyth. Were you not well acquainted with the connexion of Mr. Edwards with the Edwardsville Bank?

Answer. From general report only. I never did any business with him in that character.

Q. Do you know that he has made efforts, from the establishment of the institution till its failure, to keep up its credit with the public?

A. What I know personally is the publication in the St. Louis Enquirer, of which I was an editor.

Q. Do you know whether the statements in that publication are correct.

[To this question Mr. Cook objected. The Committee decided that it might be put.]

A. I very well remember my opinion at the time the publication was made. It was, that the publication would give a credit to the bank, to which it was not entitled. In conformity with that opinion, and from no other motive than to countervail the effect of that publication, I wrote an article, which was published either in the same paper, or in one next succeeding, (but I think the same,) in which I gave some of the reasons which induced me to believe that the bank was not entitled to the credit which Mr. E. gave to it in his publication. I have not seen that article since, but the facts and circumstances rest upon my mind, and I am still of the opinion that I then was.

Q. What were the facts on which this opinion was formed.

A. The first was one leading fact, which I had from general report, that a majority of the stock was held by two or three stockholders who were persons of little or no property. The stockholders to whom I allude were Mr. Robert Latham and General Payne, the latter of whom was reputed to cover stock for the Messrs. Johnson, of Kentucky. Mr. Latham was generally reported to be the insolvent partner of a firm in Kentucky—I think either Latham & Broadhead, or Latham & Morehead; and that he was insolvent I am certain, having been employed as a lawyer to collect debts from him. The Messrs. Johnson were generally reputed to be in bad pecuniary circumstances. The stockholders having a majority of the stock, could change the Directors at any election. This circumstance deprived the bank of credit in my eyes. Another circumstance which made me believe that the publication of Mr. Edwards would give the bank a credit which was not due to it, was its silence upon points necessary to be known, such as the pecuniary stability of several of the Directors. Mr. Smith, one of the Directors, of whom a high character is given in that publication, was generally reputed to be without property, or very recently insolvent. Dr. Joseph Bowers, of whom a high character is also given, was a speculator lately arrived in the country, claiming and talking of much property, but, as was believed, without solid foundation. The other directors, with the exception of two or three, were generally reputed to own but little property, and to hold a minority of the stock. Another circumstance to the prejudice of the bank, was my belief that it could not do a business which would defray its expenses and support it, owing to the little commerce existing in the place where it was established.

Question by Mr. Cook. You state that Mr. Edwards made his publication in the St. Louis Enquirer of 1819; was Mr. Crawford on the list of those to whom that paper was statedly sent?

A. Yes.

Q. At the time you spoke of the character of the Bank of Edwardsville, and its claims to public credit, did you know any thing of its actual condition?

A. I had no personal knowledge of its affairs; my opinions were bottomed on general current report.

Q. Did you not, about the same time, write to the Secretary of the Treasury, stating strong objections to the claims of this bank upon his confidence, and that of the public?

A. I did so, some time before, soon after the bank went into operation.

Q. Did you receive any reply from the Secretary on that subject, by which you ascertained that he had received your letter?

A. I did; and he stated that, availing himself of the permission expressed in my letter to show it to whomsoever it concerned, he had shown it to Mr. Edwards and Colonel Johnson.

Q. Were you at that time a Director of the Bank of Missouri?

A. I was not till long after, say two years or more.

Q. About this time, however, did you not make communications in your paper to the public, strongly supporting the claims of the Bank of Missouri to the public confidence?

A. I made very few, if any; I do not now remember one.

Q. Was it not your opinion, that that bank was entitled to confidence?

A. It was, most decisively. After my first arrival at Washington City, in 1820, I had spoken to Mr. Crawford in favor of the Bank of Missouri. After that bank had stopped payment, and resolutions had been submitted in the House of Representatives, upon the subject of its failure, and of the public deposite in it, myself and Mr. Scott, representative from Missouri, went to Mr. Crawford, and offered to give him, in writing, the previous statements which we had made, verbally, in favor of the bank. Mr. Crawford declined receiving any statement from us. His precise words I do not remember, but he declined taking from us any thing like vouchers to shield him from responsibility, stating, I think, that the correspondence would show that every thing was fair, and that he had proceeded on sufficient grounds.

Q. Which bank first failed to pay specie for its notes, the Bank of Missouri or the Bank of Edwardsville?

A. The Bank of Missouri. But I have been informed and believe, that the Bank of Missouri had assets at the time of its stopping specie payment, to an amount beyond the claims upon it; that it has settled all these claims, either by paying them or securing them to be paid, while the Bank of Edwardsville has neither paid or secured its debt to the United States.

Q. At what time were you employed to collect debts against Mr. Latham?

A. Some time before I came to Congress, in 1820.

Q. Do you, or do you not, know that General Payne is reputed to be, and do you not believe him to be, amongst the wealthiest men in Kentucky?

A. I have always understood that he was a man of large property; but the general report was, that the shares in his name were really the property of the Messrs. Johnsons.

Q. Do you, or do you not, know or believe that the Messrs. Johnsons were at that time also considered among the wealthiest men in Kentucky?

A. All the information which I had upon the subject, represented them to be engaged in large and critical moneyed enterprises, and that their pecuniary credit was most uncertain.

Q. Do you not know that Robert Pogue, another Director in the Bank of Edwardsville, was at that time engaged in large mercantile concerns, and of unsuspected credit?

A. I knew Mr. Pogue as a merchant, and his credit and standing were very good.

Q. William Kinney, Joseph Conway, and Abraham Pricket, were also Directors. Were not these gentleman all at that time of high respectability, and of considerable unencumbered property, so far as your knowledge extends?

A. I knew them all personally. Mr. Kinney was always represented to me as a person of considerable property. I never heard the others so spoken of. I know nothing about the encumbrances on any of their estates. They were all respectable.

Q. Dr. Joseph Bowers, another Director, is spoken of by Mr. Edwards as a gentleman of respectability. Was not that his general character at that period?

A. It was. But, my objection to Governor Edwards's publication was, its omitting to speak of the pecuniary circumstances of the directors and stockholders.

Q. Were the directors and stockholders liable beyond the amount of the stock paid in?

A. The Bank of Edwardsville was an incorporated bank, and I suppose, of course, they were not.

Q. What was the conversation you had with General Noble, which induced you to write the letter in the Richmond "Enquirer," in relation to that conversation?

A. I had two conversations with Mr. Noble, upon the subject of his conversation with Mr. Edwards. The first, soon after the appearance of Mr. Edwards's address. It occurred accidentally, while passing each other in the large circular room, in the centre of the Capitol. It was very short. I was going in haste into the Senate Chamber. Either replying to a question from me, or from some other person, for there were several passing at the same time, Mr. Noble said that Mr. Edwards had declared that he was not the author of the A. B. publications, and that he had supported him in the Senate. In repeating that conversation, I reported it, and in writing to the Editor of the Richmond "Enquirer" the letter in question, I represented it as if Mr. Noble had voted for Mr E. in consequence of that disavowal. It was the construction which I put upon the *support* which he had given. I was not in the Senate during the time that Mr. E.'s nomination was pending. A week or two afterwards, and when there occurred some leisure in the Senate, and in consequence of suggestions that Mr. Edwards had only denied the authorship of the A. B. publications by way of avoiding an improper curiosity, I asked Mr. Noble whether he had made inquiries of Mr. Edwards which led to the disavowal? Mr. Noble then stated to me particularly his conversation with Mr. Edwards. He said that the disavowal was wholly voluntary on the part of Mr. Edwards; that he had pledged his honor that he was not the author of the A. B. publications, but Mr. Noble had intended to vote for him before he heard this disavowal; that he had, before hearing it, made a motion in the Senate to take up his nomination; that Mr. Edwards, in that same conversation, spoke honorably of Mr. Crawford; spoke well of his management of the finances, and of his relief to the Western debtors. The second and full conversation was the same as has been detailed before the committee by Mr. Noble in his testimony. The first was short and imperfect, and so slight, that Mr. Noble with difficulty could recollect it when I have since mentioned it to him.

Q. Do you not know, that the representations which you have stated were made by you to the Secretary of the Treasury, against the Bank of Edwardsville, were contradicted by those of Mr. Edwards and Colonel Johnson?

A. I do not know that they were.

THOMAS H. BENTON.

Abraham Bradley, junior, sworn, on the part of Mr. Crawford.

Q. by Mr. Forsyth. In October, 1819, what was the shortest time in which a letter could come by the mail from Edwardsville to Washington?

I have examined the contracts, and am unable to state.

Q. Could a letter have come, at that time, in less than twenty days?

A. It is difficult to answer with certainty; but, according to my best information, I should say it could not.

Q. Have you made out a list of the arrivals and departures of the mail between this city and Edwardsville? Is the paper now shown to you such a list? and is it made out according to the best information you possess?

A. It is. I have made it out from the contracts, in all its items, saving one, and that I have stated from the advertisement of the Post Office Department, for a contract which is the route from Wheeling to Louisville. The mail takes a longer time to come from Edwardsville than to go there.

Q. Do the dates on the bills of the mails sent, which appear in the quarterly returns, ascertain the time of the departure of the mails?

A. They always ought to do so.

ABM. BRADLEY, Jr.

List of departures and arrivals of the mail between Washington and Edwardsville.

[Arrangement mails 1818 and 1819.]

Washington — Leave Sunday, Tuesday, and Thursday, at 2 a. m.; arrive Monday, Wednesday, and Friday, at 10 p. m.

Fredericktown — arrive Sunday, Tuesday, Thursday, at 2 p. m.; leave Monday, Wednesday, Friday, at 10 a. m.: Leave Sunday, Tuesday, Thursday, at 3 p. m.; arrive Monday, Wednesday, Friday, at 9 a. m.

Cumberland—arrive Monday, Wednesday, Friday, at 8 p. m; leave Saturday, Tuesday, Thursday, at 3 a. m.: Leave Tuesday, Thursday, Saturday, at 9 a. m.; arrive Friday, Monday, Wednesnesday, at 8 p. m.

Brownsville—arrive Tuesday, Thursday, Saturday, at 8 p. m.; leave Friday, Monday, Wednesday, at 4 a. m.: Leave Wednesday, Friday, Monday, at 3 a. m.; arrive Thursday, Saturday, Tuesday, at 9 p. m.

Wheeling—arrive Wednesday, Friday, Monday, at 4 p. m.; leave Thursday, Saturday, Tuesday, at 8 a. m.: Leave Wednesday, Monday, Friday, at 5 p. m.; arrive Thursday, Saturday, Tuesday, at 7 a. m.

Shelbyville—arrive Tuesday, Thursday, Saturday, at 10 a. m.; leave Friday, Monday, Wednesday, at 2 p. m.: Leave Tuesday, Thursday, Saturday, at 11 a. m.; arrive Friday, Monday, Wednesday, at 1 p. m.

Louisville—arrive Tuesday, Thursday, Saturday, at 8 p. m.; leave Friday, Monday, Wednesday, at 9 a. m.

Bairdstown—arrive Tuesday at 8 p. m.; leave Wednesday at 5 a. m.: Leave Wednesday at 5 a. m.; arrive Tuesday at 8 p. m.

Shawneetown—arrive Saturday at 10 a. m.; leave Saturday at 2 p. m.: Leave Saturday at 2 p. m.; arrive Saturday at 10 a. m.

Kaskaskia — arrive Tuesday evening; leave Wednesday morning: Leave Wednesday at 6 a. m.; arrive Tuesday at 6 p. m.

Cahokia—arrive Thursday at 2 p. m.; leave Monday morning: Leave Thursday at 3 p. m.; arrive —.

Madison Courthouse, or Edwardsville—arrive [no time;] leave [no time—cannot find contract.]

Extract from the 1st page of the original "Account of the mails sent from the Post Office at Edwardsville," for the quarter beginning the 1st October 1819.

Date of the bills sent.	To what office the letters were sent.	Letters unpaid.	Paid letters.	Free letters.	Unp'd newspapers.
1819.				Nos.	cts.
Oct. 9.	Golconda, Illinois	$0 43½			
	Brownsville	0 12½			
	English Prairie	0 12½			
	Cape Girardeau	0 37			
	Waterloo, Illinois	9 20			
	Edwards city	0 18½			
	Elvira, Illinois	-	$0 18½		
	Southward	2 50			
	Franklin, M. T.	0 18½			
	Eastward	27 47	-	10	
	Kaskaskia	0 62½	-	-	17
	Bellville, Illinois	0 06	-	-	13
	St. Louis	0 18	-	-	59
	Nashville	0 25			
	St. Genevieve	0 37			
13	St. Louis, M. T.	0 06			
16	St. Michael	0 25			
	Albion, Illinois	0 12½			
	Carmi, Illinois	0 37½			
	New Haven	0 18½			
	Nashville	0 25			
	Southward	3 00			
	New Orleans	0 50			
	Eastward	15 48	1 50	9	
	Kaskaskia	0 12½	-	1	
	Bellville	0 12			
	St. Louis	0 06			
	New York	0 25			
20	St. Louis	0 12	-	1	

The within is a true extract from an original paper, headed "Account of mails sent from the post office at Edwardsville, Illinois, 1819," furnished to the Committee appointed by the House of Representatives of the United States to investigate the charges preferred against the Secretary of the Treasury by Ninian Edwards.

S. BURCH,
Ch. Clk. House of Representatives.

JUNE 16, 1824.

George Sweeny sworn, on the part of Mr. Crawford.

Q. Are you a clerk in the City Post Office?

A. I am.

Q. Look at the post-mark on this letter. What is the date there marked?

[Here the witness was shown the letter from Mr. Crawford to the Cashier of the Bank of Edwardsville, dated 1st November, 1819.]

A. The day appears to be the 3d; but of what month cannot be discovered.

GEORGE SWEENY.

WASHINGTON, *July* 15, 1819.

DEAR COLONEL: Yours of the 28th ultimo came to hand this morning.

The circumstances connected with the Bank of Edwardsville, as developed in the two letters of Governor Edwards, submitted by you to my perusal, will receive due consideration.

I am much surprised at the contents of his first letter to you. I am gratified with the explanation you have given him upon that subject. With Governor Edwards I had no personal acquaintance before last Winter. The opinion which I had formed of his talents and integrity, from the official correspondence which had been carried on between us both in the War and Treasury Departments, has been confirmed by personal acquaintance.

The different subjects upon which he had occasion to ask my opinion or decision, during the last session of Congress, were fairly and candidly stated; his comments upon them were judicious, and it afforded me great pleasure to be able, after due examination and reflection, generally to coincide in opinion with him.

The gentleman who has stated that I was unfriendly to Governor Edwards, has entirely mistaken my feelings and motives of action. Certainly every thing which occurred between the Governor and myself was decidedly calculated to inspire feelings of a very different character. I had every reason to be satisfied with him, and hope that nothing occurred on my part to produce dissatisfaction with him with any part of my conduct. I believe the only difference of opinion that occurred between us was in relation to the eligibility to office of a minor. In that case, it would have afforded me great pleasure to have thought with him, inasmuch as it would have enabled me to have aided in doing an act highly acceptable to my friend Colonel McKee. My inability to concur with him in opinion was cause of regret, and not of complaint. I had, therefore, no possible cause of hostility with the Governor, and assure you that I never felt any thing like hostility to him.

I remain, with sentiments of the highest respect, your friend and most obedient servant,

WM. H. CRAWFORD.

Colonel Richard M. Johnson.

P. S. I return you Governor Edwards's first letter.

Eliza Queen sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. I wish you to state what you know concerning my sickness at your house after my removal into the room in the back building which opens on the balcony?

A. I know that you were very sick while you lodged in that room, so ill that a servant was obliged to sit up with you every night.

Q. How long do you think that I continued in that situation? do you suppose it was two weeks?

A. I do not recollect the exact time—I should think two weeks, but cannot be certain.

Q. Do you recollect how long it was after General Noble came to lodge at your house that I became so sick as to be confined to my room?

A. I am not certain—but think it was two days or three—it was on a Tuesday or Wednesday.

Q. Do you recollect that I breakfasted or dined at the table with the other boarders after breakfast on the Monday next after General Noble came to your house?

A. I do not recollect that you did.

Q. Was it not in consequence of my indisposition that I did not?

A. I supposed that it was.

Q. Was not my room, in which I was sick, one of the remotest back rooms on the second floor of the back building, and was not Mr. Noble's the front room on the first floor of the front building?

A. Yes.

Q. Do you recollect my being very lame after I began to recover?

A. I remember your wearing socks and complaining of pain.

Q. Do you think I could have walked from my room to the front part of the house within a week after my being taken so ill?

A. I do not recollect seeing you do so.

Q. Was not your room adjoining mine; and would I not have had to pass by your room to get to the front of the house?

A. Yes.

Question by Mr. Forsyth. You have answered that you do not recollect that Mr. Edwards dined with the other boarders after breakfast on the Monday next after General Noble came to board at your house: do you recollect that he did not come to the table?

A. I do not recollect seing him at table after that time, at breakfast or tea; I do not go to the table at dinner, but I do at breakfast and tea.

Q. When did Mr. Noble come to lodge at your house?

A. On Saturday the 21st of February.

Q. And you think it was on the Tuesday or Wednesday following that Governor Edwards was taken so sick?

A. Yes.

Question by Mr. Forsyth. Where was Governor Edwards's room when Mr. Noble first came to lodge at your house?

A. It was the front room on the first floor, the same room which General Noble afterwards occupied.

Q. When did Governor Edwards remove to the back building?

A. On Sunday; the next day after General Noble came.

ELIZA QUEEN.

Adelaide Lindsley sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Did you not board at Mrs. Queen's during the whole of the last Winter?

A. Yes.

Q. What do you know concerning my being sick there after I removed into the back building?

A. You were taken sick about the middle of the week, and continued confined to your room I should think about a fortnight.

Q. Was I not sick previous to my being taken so very ill in that room?

A. Yes.

Q. Do you recollect my eating at table with the other boarders after the Monday which succeeded General Noble's coming to Mrs. Queen's to lodge, until I got well?

A. I do not recollect that you did.

Question by Mr. Forsyth. Do you recollect that he did not?

Answer. I was never at table saving at breakfast and tea.

Q. Do you recollect that he did not come to table?

A. I don't know.

ADELAIDE LINDSLEY.

William B. Hodgson sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Please to state what you know about my being sick after my removal to the room in the back building at Mrs. Queen's.

A. I recollect finding you frequently very ill in that room, when I visited you there, so much so as to be confined to bed.

Q. How soon was this after my nomination?

A. I think it was the week after I understood the nomination to have been made, and I believe on Tuesday.

Q. Do you not recollect calling on that day and telling me that you understood my nomination had not on that day been taken up in the Senate?

A. If I did not say so on that day, I recollect to have made the observation frequently at other times when I visited you.

Q. Do you recollect that I told you that Mr. Francis Key had been to see me on the day before you visited me?

A. I think you did.

Question by Mr. Forsyth. Are you employed in the office of the Secretary of State?

A. I have been occasionally employed in that office to translate foreign languages; but I am not a stated clerk. I have only been employed there within six or seven weeks past.

Question by Mr. Forsyth. Did you visit Governor Edwards before he removed into the back room?

Answer. Yes.

Q. At what time?

A. On the same week on which I understood the nomination to have been made.

Q. Had you in these visits any conversation with Governor Edwards on the subject of the nomination?

A. Yes.

Q. Did he speak, in these conversations, of an opposition which he expected to his nomination, and of the grounds on which he expected it would be made?

A. The opposition was casually spoken of; but I do not recollect that any special grounds for it were stated by Governor Edwards.

Q. Did he say any thing about the A. B. plot or A. B. publications.

A. If he did not, I mentioned it.

Q. Please to state what passed between you on that subject.

A. I had seen it mentioned in a New York paper that Governor E. was supposed to be the author of these A. B. publications; this I mentioned to him. At that time nothing positive was said by the Governor as to the authorship; but, at a subsequent visit, knowing that there were doubts entertained of his having been the author, to satisfy myself I asked him if he did write them. He replied, "I neither confess nor deny."

Q. What was the reason of your frequent intercourse with Governor Edwards on this subject?

A. Motives of friendship and interest.

Q. Has there been a former connexion or acquaintance between you and Governor Edwards?

A. Not before my first visits to him at Mrs. Queen's. I was an applicant to be appointed his private secretary.

Q. Were you so appointed?

A. Yes.

Q. Are you to go to Mexico with Governor Edwards?

A. I am not; I have procured other employment.

WILLIAM B. HODGSON.

Jeremiah Nelson, of the House of Representatives sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Please to state what you recollect of my being sick, at Mrs. Queen's, after Mr. Noble came to lodge there.

Answer. I then lodged at Mrs. Queen's, and understood, from several members of the family, that Governor Edwards was very sick. I should think it was more than a week after Mr. Noble's coming there, that I visited Governor Edwards, in his room. He was then very much indisposed; but I do not know whether he had or had not been out of his room since his being taken sick.

Question by Mr. Forsyth. When you visited him, was he, in your opinion, well enough to go from one room of the house to another?

A. I cannot tell. He often went out when I thought that a person so sick as he ought not to have done so.

Q. Have you not known him to be out, night or day, when he was apparently more indisposed, than he appeared to you to be at the time?

A. I have not.

Question by Mr. Edwards. Do you recollect seeing me out of my room for a fortnight after Mr. Noble's coming there?

A. I cannot recollect whether you were or were not.

Question by Mr. Forsyth. Do you recollect whether Mr. Edwards had any medical attendance at that time?

A. I cannot tell whether he had or had not.

JEREMIAH NELSON.

Asa E. Hough sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Do you recollect to have seen me at Mrs. Queen's after I occupied the back room?

Answer. I do.

Q. What was my situation at that time?

A. You were sick in bed.

Q. Do you recollect at what time this was?

A. I cannot remember the precise day. It was some time towards the latter end of February. I recollect that you were so much indisposed that I did not communicate the business for which I had come. I called again, some time afterwards, but learning that you were still confined to your room, I did not go in.

A. E. HOUGH.

Henry Washington Queen sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Did you lodge in the same house with me, during the last session of Congress?

Answer. Yes.

Q. Please to state what you know about my being confined to my room, after General Noble came there to lodge.

A. You were not, during your illness, at that time, out of your room, to my knowledge, after Wednesday, while General Noble remained there. I am under the impression that you became confined to your room after Tuesday. I remember your being at breakfast on the Monday morning previous. I do not recollect your being out of your room after Thursday, until you recovered.

Question by Mr. Forsyth. What enables you to fix, with so much certainty, on Monday and Tuesday?

A. General Noble came on Saturday: was not at breakfast on Sunday, and came to breakfast, for the first time, on Monday, in company with Governor Edwards.

Q. Were you much in Governor Edwards's room during his confinement?

A. I was several times there.

Q. Do you know how long he was confied to bed, after his first being taken so ill.

A. I do not.

H. W. QUEEN.

John C. Rives sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Please to state what you know of my indisposition, while I was in the back room, at Mrs. Queen's.

Answer. I know that you were sick while there, but I cannot say, exactly, at what time. I visited you between the beginning and middle of March. You told me that you were then unwell, and had had, on the day before, a very severe ague. I think it was two or three days after Mr. Hubbard, (Lieutenant Governor of Illinois,) was in this city.

JOHN C. RIVES.

List of Bank Notes which will be received by the Bank of Missouri, according to the letter of the President of that Bank, dated the 9th of August, 1819.

United States Bank and its Branches.

Bank of Missouri and Branch.

Bank of Kentucky and its Branches, at Louisville, Shelbyville, Lexington, and Paris.

Bank of Virginia and its Branches, at Fredericksburg, Lynchburg, and Petersburg.

Bank of Illinois, at Shawneetown.

All the banks in New Orleans, Philadelphia, Baltimore,* New York, and District of Columbia,† whose paper is received on deposite at the United States Bank and its Branches.

State of Illinois, Madison County, ss.

On the 13th day of May, 1824, personally appeared before the undersigned, Justice of the Peace in and for said county, Thomas Lippincott, who, being duly affirmed according to law, deposes that the above is a correct copy of a paper found on the files of official letters in the Receiver's Office, at Edwardsville; that the paper, of which the foregoing is a copy, was folded in the letter of the Hon. William H. Crawford, of the 1st of November, 1819, and is in the same hand-writing of the letter of the Hon. William H. Crawford, of the 6th August, 1819.

THOS. LIPPINCOTT.

Affirmed and subscribed before me.

HAIL MASON, J. P.

TREASURY DEPARTMENT, *Aug.* 6, 1819.

SIR: Observing, by your monthly return, ending on the 30th of June, that there remained in your hands a considerable sum of the public moneys, I wish to be informed why the same was not deposited in bank, in conformity with the instructions from this Department. Heretofore, when there was no bank in your vicinity, all reasonable allowance was made, on account of the difficulties to which you were subjected in making your deposites; but now, that a bank has been established in your place of residence, there can be no longer any excuse whatsoever for retaining the public money.

I am, very respectfully, sir, &c.

WM. H. CRAWFORD.

BENJAMIN STEPHENSON, Esq.
Receiver of Public Moneys, Edwardsville.

State of Illinois, Madison County, ss.

On the 13th day of May, 1824, personally appeared before the undersigned, Justice of the Peace in and for the county aforesaid, Thomas Lippincott, who, being duly affirmed, according to law, deposes that the above is a correct copy of a letter found by the deponent, on the files of official letters in the Receiver's Office, Edwardsville; that the said letter appears to be in the hand-writing of a clerk, but with the proper signature of the Hon. William H. Crawford, as the deponent believes, from a comparison with other letters received from the Treasury Department.

THOS. LIPPINCOTT.

Affirmed and subscribed before me.

HAIL MASON, J. P.

RECEIVER'S OFFICE,
Edwardsville, Ill., October 12, 1819.

SIR: My absence from this place on a necessary and indispensable visit to Kentucky, has put it out of my power, by an earlier opportunity than the ensuing mail, to acknowledge the receipt of your letter of the 6th of August last, in which you express a wish to be informed why the public money in my hands has not been deposited in the bank of this place, in conformity with your instructions.

I should certainly have continued to make the deposites in the bank, had it not been for your letter of the 9th April, in which your requested me to pay certain bills which you expected to be drawn on me by the Indian Agents of Chicago, Green Bay, Michilimackinac, Fort Wayne, and Piqua; at the same time apprizing me that the sum which would be required at the close of each quarter was estimated at eleven thousand dollars.

Knowing that if I deposited the money in the bank, to the credit of the Treasurer of the United States, I could not, without special authority, draw it out, I conceived I was fulfilling your wishes by retaining the money in my own hands, for the purpose of paying, when presented, the drafts mentioned in your letter of the 9th April. And I presume that the same construction has been given by the Receiver of Public Moneys at Kaskaskia, to a similar letter, which I have been informed he received from you, as he also, for a considerable time past, has made no deposites in the bank.

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* Except the "City Bank."

† Except the "Franklin Bank" and the "Mechanics' Bank," both of Alexandria.

As your letter of the 6th August makes no reference to that of the 9th of April preceding, I should, at all events, feel somewhat at a loss how to act; but I believe I should make the deposites were it not for other considerations, which I feel it my duty previously to communicate to you.

You are doubtless apprized of the hostility of the Bank of Missouri and citizens of St. Louis towards the bank of this place, supposed to be produced in consequence of certain deposites being withheld from that bank and placed in this. It seems to be believed, with what justice I do not pretend to say, that their object is to destroy this bank, with a view to coerce the regaining of the deposites in that. And under the impression that they employ the public funds for the purpose of accomplishing that object, stockholders in, and several directors of, this bank, have, in disgust, either withdrawn, or declared their intention to withdraw from any further concern in the bank. Some of them seem even willing that the Bank of Missouri should regain the deposites, professing to believe it would be the readiest means of causing the State pride, and public feeling of this and some of the neighboring States to react upon that institution with the more effect.

In this state of things, the principal part of the stockholders have declined paying the instalments that otherwise were expected to be paid upon their stock. Two of the directors have already resigned, others talk of doing so, and the publication of Governor Edwards, herewith transmitted, shows the course he is disposed to pursue.

Though these measures, adopted probably with too much irritation, may not produce any serious evils to the bank, and I hope they will not, yet I feel that they impose a greater responsibility upon me than I am willing to take upon myself, without the full disclosure of the whole circumstances to you, and such instructions as you may think fit to give thereupon.

The situation of the bank at present I consider as favorable as could either be expected or desired. And under the control of the directors who have hitherto had the management of it, I should apprehend no kind of danger to the public, or to individuals: but I know not who may succeed those that have resigned, and intend to resign, nor who may be elected at the next annual election, on the first of January next. It is true that I have no reason to apprehend, nor do I anticipate, any unfavorable change in the directory; but, under all the circumstances of the case, I would not wish to risk the responsibility of making the deposites in the bank, till after the first of January next, without your instructions, given upon a knowledge of the facts above disclosed.

I am the more averse to doing so, from the difficulty that the bank must constantly encounter in converting Land Office notes into specie, so as to be prepared at all times to meet your drafts; and from the fear that those drafts may fall into the hands of persons who, under the influence of St. Louis, would be disposed to insist upon specie, when notes would answer their purposes equally well, merely for the purpose of harassing and distressing the bank.

In fact, while such a variety of notes are receivable for public lands, and specie so much in demand, I do not consider it any advantage to the bank to receive the deposites on terms that subject it to the payment of cash as often as you find it necessary to draw for it, unless the times of payment could be fixed upon at certain regular periods, that would afford ample opportunity for the necessary preparation. The land offices now receive but little money of any kind. This consists of notes on such a variety of banks, so remotely situated from each other, that it must be a considerable time before the notes upon any bank would accumulate sufficiently to bear the expense of sending for the money, and, in most cases, there is no opportunity of converting these notes into specie, owing particularly to the locality of the banks from which they issue.

To make the deposite to any advantage, the time of payment ought to be fixed as above suggested, or the drafts made payable in such notes as should be land office money at the time of presenting those drafts; or, partly the one and partly the other. To continue to convert all the notes receivable in this office into specie, and concentrate it at a single spot, must be utterly impracticable, and if practicable would be attended with great expense.

I beg leave to add, that the Bank of Edwardsville has received foreign gold under the expectation that it would be taken by the Government even after the 1st November next, and it is now held ready to be paid in consequence of notice from you of an intended draft for $30,000. It is to be hoped that no difficulty upon the subject will arise, if the expected draft should not be presented till after the 1st November.

I have the honor to be, with great respect, sir, your very humble servant.

State of Illinois, Madison County, ss.

On the 13th day of May, 1824, personally appeared before the undersigned Justice of the Peace in and for the county aforesaid, Thomas Lippincott, who, being duly affirmed according to law, deposes that the foregoing is a true copy of a paper which was found by the deponent on the files of official letters appertaining to, and now in the Receiver's Office at Edwardsville, and endorsed or filed in the hand-writing of the late Benjamin Stephenson, Esq., Receiver of Public Moneys, as follows, to wit: "Copy to the Treasury Department, October, 1819."

THOMAS LIPPINCOTT.

Affirmed and subscribed before me,

HAIL MASON, J. P.

EDWARDSVILLE, ILLINOIS, *Oct.* 22, 1819.

DEAR SIR: Twelve thousand five hundred dollars of the capital stock of the Bank of Edwardsville having been paid into the bank since the date of my last letter, I feel it my duty to inform you of the circumstance, in consequence of some of the suggestions made in that letter.

I have the honor to be, &c.

BEN. STEPHENSON.

Hon. Wm. H. Crawford,
Secretary of the Treasury.

State of Illinois, Madison County, ss.

On the 13th of May, 1824, personally appeared before the undersigned Justice of the Peace, in and for the county aforesaid, Thomas Lippincott, who, being duly affirmed according to law, deposes that the above is a true copy of a paper on the files of official letters in the Receiver's Office at Edwardsville, in the hand-writing of the late Benjamin Stephenson, Receiver.

THOMAS LIPPINCOTT.

Affirmed and subscribed before me,
HAIL MASON, J. P.

Treasury Department, *Nov.* 1, 1819.

Sir: Upon referring to your monthly accounts, it appears that you have retained all the money which has been received by you since the month of August last.

As it is presumed that this has been the result of my letter of the 9th April last, I request that you will, immediately after the receipt of this letter, deposite in the Bank of Edwardsville the whole of the money in your possession on the 30th instant.

You will consider the letter of the 9th of April as authorizing the purchase of bills in the manner therein directed, when you have funds, but not as authorizing the retention of the public money in your hands at the end of each month for that purpose.

It is presumed that, if any draft should be presented, when you have not money in your hands, that there will be no difficulty in having the draft taken up by the Bank of Edwardsville, on its own account, or to be repaid by you, as soon as you have funds sufficient for that purpose. I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

State of Illinois, Madison County, ss.

On the 13th day of May, 1824, personally appeared before the undersigned Justice of the Peace in and for the county aforesaid, Thomas Lippincott, of said county, who, being duly affirmed according to law, deposes that the within is a true copy of an original letter on the files of official letters in the office of the Receiver of Public Moneys at Edwardsville; that the deponent has been employed in the Receiver's office the greater part of the time since the Winter of 1821-2, and has had access to the files and papers thereof, and that the letter of which the within is a copy, appears, from a comparison with the signature, and with the signature of other letters and papers received from the Treasury Department into the said office, evidently to be the hand-writing of the Honorable William H. Crawford. And further the deponent saith not.

THOMAS LIPPINCOTT.

Affirmed and subscribed before me,
HAIL MASON,
Justice of the Peace.

Treasury Department, *Nov.* 1, 1819.

Sir: The letter, of which the enclosed is a copy, was addressed to the Receivers of Public Money at Kaskaskia and Edwardsville.

From the returns of those officers, it appears that the whole of the public money received by them since the month of August last, has been retained, as it is presumed, for the purpose of meeting the drafts which might be drawn in pursuance of that letter. From the same returns it appears that no such drafts have been presented.

To prevent the inconvenience and risk which may result from the accumulation of such large sums in the hands of those officers, I have this day directed them to deposite in the bank the sums which may be in their possession on the 30th instant, and to deposite, monthly, the money which may be received during each month. Should any bill be presented to the Receiver of Public Money at Edwardsville, or Kaskaskia, when they have not funds to meet it, I presume the bank will have no difficulty in making the advance, which will be refunded by the Receiver, when funds to that amount shall be received by him; or the amount will be remitted to the bank by the draft of the Treasurer on the bank itself. Either course will be acceptable to the Department. Payments made in this manner will be found to be the most convenient mode of meeting the demands of the Treasury upon the bank, on account of the public money deposited in it.

WM. H. CRAWFORD.

Cashier *of the Bank of Edwardsville.*

Treasury Department, *Nov.* 1, 1819.

Sir: Upon referring to your monthly accounts, it appears that you have retained all the money which has been received by you since the month of August last.

As it is presumed that this has been the result of my letter of the 9th of April last, I request that you will immediately deposite in the Bank of Edwardsville whatever sum may be in your hands on the 30th instant.

You will consider the letter of the 9th April, as authority to purchase bills therein described when presented, if you have funds sufficient for that purpose, but not as authority to retain in your hands, at the end of each month, any part of the public money received in the course of the month.

You will, after the deposite herein directed, make your deposites in the Bank of Missouri, until otherwise directed. I am, &c.

Treasury Department, *June* 12, 1824.

In compliance with a request of the committee on the Address of Ninian Edwards, communicated through Mr. Forsyth, the Secretary of the Treasury has the honor to transmit the accompanying statements (No. 1, 2, and 3) from the Treasurer, showing—

1st. The balance of public moneys in the Bank of Steubenville, at the end of every quarter, from the commencement of March, 1817, to the 31st of March, 1824, and continued to 7th June, 1824.

2d. The same, in relation to the Bank of Tombigbee, from the commencement of March, 1819.

3d. The aggregate of moneys deposited to the credit of the Treasurer, and the balance remaining at his credit on the 7th June, 1824, in each of the following banks: Steubenville, Chillicothe, Mississippi, Tombigbee, Missouri, Vincennes, Edwardsville, Illinois, Franklin Bank of Columbus, Farmers and Mechanics' Bank of Indiana, Branch Bank of Kentucky at Louisville, Planters and Merchants' Bank of Huntsville, and Farmers and Mechanics' Bank of Cincinnati.

The Secretary has the honor to state that no payments have been made directly by the Bank of Missouri since its failure. It is known, that, previously to the 23d of November last, $781 43 had been paid in specie by some of the parties whose debts had been assigned by it to the Treasury; and it is understood from the President of the bank that other sums have been paid in like manner; but the Receiver at St. Louis, who is employed by the Treasury as its agent in collecting the debt of that bank, has not yet reported them to the Secretary. Among the debts assigned to the Treasury was one of $10,030; and it appears that, for the reasons and under the circumstances stated in the accompanying papers, (marked *A and B,) the agent entered into our arrangement, by which $8,000 in notes of the treasury of the State of Missouri (commonly called loan office paper) were taken, at the rate of seventy-five cents to the dollar, in part payment of this debt; and these notes the Secretary directed to be specially deposited in the Branch Bank of the United States at Louisville, to the credit of the Treasurer. It also appears, by the same papers, that there were, among the securities assigned by the bank for the payment of its debt to the Treasury, $15,006 in paper of this description; of this sum, (together with another of $50, which he appears to have since received,) the agent at St. Louis, on his own judgment, subject to the approval of the Secretary, exchanged $4,539 64, for certificates of the Auditor of Missouri, and $5,000 for notes of the State Bank of Illinois, all which, with the balance of the loan office paper, have been placed to the credit of the Treasurer, as a special deposite in the Branch Bank of the United States at Louisville. The exchange is represented as advantageous to the United States, but has not been sanctioned by the Secretary of the Treasury.

Hon. Chairman of the Committee on the
Address of Ninian Edwards.

No. 1.

BANK OF STEUBENVILLE.

Statement showing the balance of public moneys at the end of every quarter, from the commencement of March, 1817, *to the* 31*st of March*, 1824, *and continued to 7th of June*, 1824.

March 31, 1817 - - - -	$3,200 00
June 30, 1817 - - - -	40,934 00
September 30, 1817 - - -	69,277 80
December 31, 1817 - - -	107,277 08
March 31, 1818 - - - -	107,277 80
June 30, 1818 - - - -	81,075 15
September 30, 1818 - - -	54,854 68
December 31, 1818 - - -	53,638 90
March 31, 1819 - - - -	54,443 47
June 30, 1819 - - - -	162,311 30
September 30, 1819 - - -	138,494 18
December 31, 1819 - - -	141,428 37
March 31, 1820 - - - -	152,302 76
June 31, 1820 - - - -	100,873 92
September 30, 1820 - - -	119,793 95
December 31, 1820 - - -	146,817 33
March 31, 1821 - - - -	143,159 10
June 30, 1821 - - - -	154,541 63
September 30, 1821 - - -	176,511 47
December 31, 1821 - - -	184,649 16
March 31, 1822 - - - -	193,352 13
June 30, 1822 - - - -	178,056 14
September 30, 1822 - - -	201,485 32
December 31, 1822 - - -	176,448 78
March 31, 1823 - - - -	167,445 63
June 30, 1823 - - - -	175,517 57
September 30, 1823 - - -	180,415 54
December 31, 1823 - - -	181,835 06
March 31, 1824 - - - -	185,737 21
June 7, 1824 - - - -	186,995 85

TH. T. TUCKER,
Treasurer of the United States.

TREASURY OF THE UNITED STATES,
June 11, 1824.

No. 2.

BANK OF TOMBIGBEE.

Statement showing the balances of public moneys at the end of every quarter, from the commencement of March the 1*st*, 1819, *to the* 31*st of March*, 1824, *and continued to 7th of June*, 1824.

March 31, 1819 - - - -	$74,828 47
June, 30, 1819 - - - -	459,003 26
September 30, 1819 - - -	613,874 10
December 31, 1819 - - -	368,033 03
March 31, 1820 - - - -	396,433 17
June 30, 1820 - - - -	320,053 50
September 30, 1820 - - -	240,759 93
December 31, 1820 - - -	215,911 62
March 31, 1821 - - - -	229,929 09
June 30, 1821 - - - -	207,464 10
September 30, 1821 - - -	215,528 67
December 31, 1821 - - -	207,569 91
March 31, 1822 - - - -	391,801 63
June 30, 1822 - - - -	212,863 48
September 30, 1822 - - -	287,084 48
December 31, 1822 - - -	273,230 90
March 31, 1823 - - - -	274,698 37
June 30, 1823 - - - -	283,780 74

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* A. Extracts of a letter from G. F. Strother to the Secretary of the Treasury, dated St. Louis, Ap'l 27, 1823.

B. Extract of a letter from Thomas Sloo, to the Secretary of the Treasury, dated November 23, 1823.

September 30, 1823 - - -	278,012 98
December 31, 1823 - - - -	428,585 52
March 31, 1824 - - - -	453,689 92
June 7, 1824 - - - - -	319,597 41

TH. T. TUCKER,
Treasurer of the United States.

Treasury of the United States,
June 11, 1824.

No. 3.

A statement showing the aggregate of moneys deposited to the credit of the Treasurer of the United States in the following banks, and the balance remaining in each of said banks on the 7th of June, 1824.

Banks.	Aggregate received.	Balance.
Steubenville - - - - -	$633,009 56	$186,995 85
Chillicothe - - - - - -	266,101 04	No balance.
Franklin, Columbus - -	336,080 06	53,936 63
Far. & Mechanics', Ia. -	599,070 16	25,775 52
Branch, Louisville, Ken.	132,231 61	No balance.
Mississippi - - - - - -	343,780 01	7,004 34
Tombigbee - - - - -	2,023,360 85	319,597 41
Plant. & Mer., Huntsville	671,700 82	45,167 11
Missouri - - - - - - -	1,074,301 04	159,963 87
Vincennes - - - - - -	294,123 77	168,511 64
Edwardsville - - - -	204,338 90	46,973 00
Far. & Mer., Cincinnati -	50,796 25	20,213 01
Illinois - - - - - - -	188,980 36	54,311 63

TH. T. TUCKER,
Treasurer of the United States.

Treasury of the U. States, *June* 11, 1824.

[a] *Extracts of a letter from George F. Strother to the Secretary of the Treasury, dated*

"St. Louis, *April* 27, 1823.

"Sir: Amongst the debts transferred to the United States by the Missouri Bank, was one of $10,000 upon Wilson P. Hunt. This debt was secured by mortgage, but the land pledged to secure the payment had been previously mortgaged to Mr. Astor, of New York, for $10,000, upon which was due eight or nine years' interest. When this note was proposed to be transferred, the debt was desperate, as the land would not bring more than $10,000, and the debt was considered nominal until Mr. Hunt stated that, by mortgaging the land to a friend, if relieved from the bank encumbrance, he could procure $5,000, with which he could purchase a sufficient sum of money to purchase the amount of the bank debt in loan office paper. Upon reflection, it was determined to receive loan office paper in payment of his debt, in loan office paper, at 25 per cent. discount. Mr. Hunt, on that day, and frequently, expressed to me a great desire to discharge this debt, and expressed a wish that, if I should see any for sale, to send it to him. In February last, he paid Mr. Barton $1.800.

"Considering the debt in some peril, my wish was to have it placed upon a sure footing. Three or four weeks since, a gentleman applied to me to procure a loan of money. I informed him that I had none, but that if he would give ample security to return the loan office paper when wanted, I would put him upon the plan to secure it; that Mr. Hunt wished to discharge a debt due the Government, in loan office paper, and if he would give his note, with sufficient security, to pay the United States $6,000 in loan office paper, with 6 per cent. interest, upon demand, that Mr. Hunt would give him in money the selling price, amounting to $2,250. My object was to accommodate two deserving meritorious men, and serve the Government, by placing the debt upon a sure footing. The whole arrangement I communicated to Mr. Hunt, and told him I should communicate the transaction to you. He considered it a fair and advantageous arrangement for the Government."

[b] *Extract of a letter from Thomas Sloo to the Secretary of the Treasury.*

St. Louis, *Nov.* 23, 1823.

Sir: Agreeably to your request of the 24th August last, I called on George F. Strother, Esq. on the 19th instant, to exhibit to me the evidences of transfer received by him from the Bank of Missouri as collateral security for the public money in its possession at the time of its failure. Not having received the list mentioned in your letter, I requested Colonel Strother to furnish me with one, a copy of which is herewith transmitted, and with which the evidences of debt generally agree. In some cases, however, they exceed, and in others they fall short of, the amount stated in the list. The former is owing to credits which the parties are entitled to, that have not been entered on their notes; the latter arises from interest due on stock notes, accounts of which were to have been furnished by the bank, as appears from a memorandum of the President, in the hands of Mr. Strother, and which, he informs me, has been repeatedly called for without effect. Amount received by Mr. Strother, as will appear from notes of payment on the list, is $781 43 in specie, and $50 in loan office money. The only case in which the evidence of debt has been at all changed, is that of Wilson P. Hunt, who appears to have owed at the time of transfer $10,030, secured by mortgage on a tract of land in the neighborhood of St. Louis, that had been previously mortgaged to John Jacob Astor, of New York, for $10,000. Such was the uncertainty of this claim, that the bank agreed to receive the amount in loan office paper, when it was worth only twenty-five cents in the dollar, as I am informed by Mr. Strother. At present the debt of Hunt appears to stand thus:

Debt transferred - - - -		$10,030 00
Offset claimed - - -	$108 00	
Amount received by Joshua Barton, Esq., as per his receipt in the hands of Mr Strother, in loan office money - - -	1,866 67	

Hunt's note in the hands of Strother - - -	3,333 33
Amount secured by conveyance of the Missouri Hotel to George F. Strother, (in trust,) to be paid in loan office money, at any time the Government may require it, with 6 per cent. interest - - - -	6,000 00

From every information which I have been able to obtain in relation to this debt, I believe the change to have been a favorable one, inasmuch as I deem the security for the payment of the $6,000 as amply sufficient, and you now hold for the payment of the balance due by Hunt, the same security which was held for the payment of the whole debt transferred.

I have received from Mr. Strother in Missouri loan office money - -	$5,466 50
Auditor's warrants - - - -	4,539 64
Illinois State Bank paper - - -	5,000 00
	$15,006 14

Received by Mr. Strother in Missouri loan office money—		
From Franklin Bank - -	$8,000	
From Branch - - -	6,956	
From P. Detchemendy - -	50	
		15,006,00

I have received this paper from Mr. Strother, considering it equal to the whole amount in loan office money. The loan office paper bears an interest of 3 per cent. per annum, the auditor's warrants an interest of 6 per cent. per annum, and the Illinois paper 2 per cent., and as to the warrants, no difficulty can arise in regard to the constitutionality of the issue. Mr. Strother informs me that it was his wish to have exchanged the whole amount of loan office money for auditor's warrants, by which arrangement the interest would have been increased 3 per cent. and the debt rendered eventually more certain. Should this transaction not be considered as entirely satisfactory, Mr. Strother has assured me that he will make good the amount in loan office money, by redeeming the auditor's warrants and Illinois paper. The amount received I shall deposite as directed in the branch of the United States Bank at Louisville, Kentucky, in the early part of next month.

You will herewith receive the act of the State of Missouri, establishing loan offices—I thought it necessary to incur the expense of obtaining an exemplification from the office of the Secretary of State, presuming that you wished it for your own satisfaction, and not to exhibit in a court of justice.

Mr. Strother informed me that he had brought all the suits, commenced on the debts transferred by the Bank of Missouri in the State courts, in consequence of doubts having arisen of the bank's being chartered, for want of the signature of the Governor. The Supreme Court of the State, however, pronounced it chartered.

DEPARTMENT OF WAR, *June* 15, 1824.

SIR: Your letter of the 14th instant is received, enclosing a note of the honorable Mr. Forsyth, expressive of his wish to have "a copy of Mr. Edwards's letter to the War Department, remonstrating against, or complaining of an order which prevented the receiving of the Edwardsville Bank notes in payment to the troops of the United States, written in or after 1819, and any other letters on the subject of the Bank of Edwardsville from Mr. Edwards;" and, in answer thereto, I have the honor to transmit a copy of a letter from Mr. Edwards to this Department, dated 11th June, 1819, which the clerk charged with the files of letters received by the Department, states to be the only letter from Mr. Edwards on the files of the Department in relation to that subject.

In addition to my own files, I directed the files of the Paymaster General's Office to be examined, and herewith transmit a copy of a report from that office containing a copy of a letter from Mr. Edwards to the Paymaster General, of the same tenor and date as the one addressed by him to this office, which it will be seen by the report from that office, is the only letter in relation to the subject on its files.

I have the honor to be, &c.

J. C. CALHOUN.

HON. EDWARD LIVINGSTON,
of the Committee of Investigation, &c.

EDWARDSVILLE, ILLINOIS,
June 11, 1819.

DEAR SIR: I beg to inform you that the paymaster of the United States' troops, (Major Hall, now at St. Louis) is, by an order, (to which I hardly think you have ever given your approbation,) required to pay those troops in specie, United States Bank notes, or notes of the Bank of Missouri, in which latter, it is understood, those troops are generally, if not exclusively paid.

I am sure I need not remark to you, that such a preference of a little, petty bank of a Territory, over all the respectable banks of the Western States, enabling it exclusively to circulate its notes, at the distant points to which the troops are destined, cannot fail to be very objectionable to those States, even if such a distinction were not unjust in itself.

I have the honor to be, &c.

NINIAN EDWARDS.

The HON. SECRETARY OF WAR.

PAYMASTER GENERAL'S OFFICE,
City of Washington, June 15, 1824.

SIR: I have the honor to enclose, in obedience to your directions, a copy of a letter from the honorable Ninian Edwards to the Paymaster General, dated "Edwardsville, Illinois, June 11, 1819," in relation to payments said to have been made, by order of the Paymaster General, to the troops in that part of the country, "in specie, United States Bank notes, or notes of the Bank of Missouri," &c., being the only letter found on the files of this office upon that subject.

I am, very respectfully, &c.

NATH'L FRYE, Jr.,
Chief Clerk.

The Hon. John C. Calhoun,
Secretary of War.

Edwardsville, Illinois,
June 11, 1819.

" Dear Sir: I think it my duty to apprize you that Major Hall, the Paymaster of the United States troops is, and has been for some time past, acting under an order (which I am convinced you never authorized,) requiring him to pay those troops in specie, United States Bank notes, or notes of the Bank of Missouri, in which latter it is understood that they are generally, if not exclusively paid.

Considering the remote points at which those troops are destined to be stationed, the advantages which the present arrangement must afford to the Bank of Missouri, by enabling it to issue and circulate a great amount of its notes without danger of their returning upon it for payment, are not less obvious than such a preference of a little petty bank of a Territory, over all the respectable banks of the Western States would be odious to those States. More, I am sure, it cannot be necessary to say on the subject.

I have the honor to be, &c.

NINIAN EDWARDS.

The Paymaster General
of the Army U. S., Washington City.

A List of Drafts drawn by the Treasury of the United States on the Bank of Missouri, since the first of July, 1818:

No. 9167	$1,478	86	
9180	5,000	00	
9181	10,000	00	
9211	240	00	Transferred to the U. States Branch Bk. at Washington.
9212	250	00	Do do do
9214	25,000	00	Do do do
9250	48	00	
9263	30,000	00	Do do do
9264	258	60	Do do do
9286	10,000	00	Do do do
9300	106	00	
9373	300	00	
9377	250	00	
9378	125	00	
9385	208	00	
9415	206	00	
9420	300	00	Do do do
9423	250	00	
9433	16	00	
9442	712	00	
9446	13	46	
9463	33,000	00	Do do do
9475	35	48	
9480	1,000	00	
9494	100	00	
9531	1,002	85	
9537	250	00	
No. 9557	$200	00	
9568	1,000	00	
9571	6,000	00	
9573	36,541	00	
9581	300	00	
9582	300	00	
9584	300	00	
9585	125	00	
9586	18,530	10	
9587	250	00	
9588	500	00	
9617	50,000	00	Transferred to the U. States Br. Bank, Washington.
9629	160,000	00	
9648	3,000	00	
9654	752	51	
9663	120	00	Do U. S. Br. Bk. at Wash'n.
9665	20,000	00	
9715	300	00	
9719	25	50	
9757	500	00	
9758	250	00	
9759	125	00	
9760	300	00	
9761	300	00	
9827	10	00	
9837	21,775	79	
9857	14,000	00	Do U. S. Br. Bk. Louisville.
9858	40,156	00	Do Bank of Tennessee.
9859	29,844	00	Do Bank of Nashville.
9860	25,000	00	Do Bank of Chillicothe.
9861	20,000	00	Do U. S. Br. Bk. at Wash'n.
9862	1,175	00	Do do do
9863	42,000	00	Do do do
9868	24,887	81	
9899	20,000	00	
9900	200	00	
9901	500	00	
9904	125	00	
9915	300	00	
9916	300	00	
9917	250	00	
9918	500	00	
9939	1,214	47	
9952	39,000	00	
9962	2,000	00	
9974	101	67	
9975	128	60	
9997	10,000	00	
10000	62	50	
9	520	53	
28	84	79	
9630	2,482	80	
37	10	50	
41	48	00	
46	500	00	
62	10,391	00	
89	2,316	92	
104	250	00	
105	500	00	
107	300	00	Transferred to the U. S. Br. Bank at Washington.
108	300	00	
113	125	00	
150	62	50	
135	4,000	00	
136	2,000	00	
145	27,846	94	
146	6,139	50	
169	193	00	
177	500	00	
193	902	28	

No. 195	$15,000 00
216	20,000 00
217	433 70
262	250 00
263	125 00
267	18 00
286	500 00
291	300 00
292	300 00
295	1,631 00
305	300 00
335	62 50
354	11,760 00
363	243 13
406	34,000 00
438	500 00
439	125 00
498	11,500 00
504	11,380 00
509	867 53
536	10,000 00
538	43 50
597	8,000 00
612	1,000 00
616	1,500 00
617	24 00
646	82 00
680	1,000 00
685	8,000 00
736	598 57
771	737 50
803	417 00
804	634 00
835	40 00
	$914,337 17

Those drafts, opposite to which no remarks are made, were drawn in favor of individuals for the payment of warrants.

Payments to individuals - -	$432,293 57
Transferred to different banks -	481,943 60
	$914,337 17

THO. T. TUCKER,
Treasurer of the United States.

TREASURY UNITED STATES, *June* 11, 1824.

Replication to Mr. Crawford's communication to the Committee.

In replying to Mr. Crawford's communication to the committee on the 8th ultimo, the subject that seems first to demand notice, in the order in which he has presented it, is, his attempt to free himself from the imputation of having taken advantage "of the moment of my departure, to arraign the testimony which had been given by me before a former select committee of the House." In this, however, he does not pretend to deny any of the facts upon which that imputation was predicated, and, consequently, may be fairly considered as admitting them. For, seeing how ready he has been to advert to, and dilate upon other minute and unimportant particulars, he would hardly have been silent in regard to the circumstances which I had relied on to prove that he must have been apprized of my intended departure, had he not been conscious of their truth.

Laboring, as he has done in his communication, to prove that no such letter as I swore I saw the Receiver at Edwardsville write, could have been written, and that no such directions to continue the deposites, as those mentioned in my testimony, had ever been given, it can no longer be doubted by any one that the object of his report was to impeach my credibility.

As nothing could justify so serious an insinuation upon light and frivolous grounds, he ought not to have made it without the most thorough conviction that it was well founded; and, being so convinced, if he felt it his duty to allege it at all, it should have been done in distinct, unambiguous, and intelligible terms. Making it in a doubtful and equivocal manner, shows a disposition to inflict the injury, and, at the same time, to secure a retreat from a just responsibility for it. His delay would, under any circumstances, render his motives suspicious. Under the particular circumstances of this case, it affords the strongest presumption that he intended to take advantage of my absence. The facts which he now affects to question, I had asserted to himself two years, and, with his knowledge, had sworn to them more than one year, before he thought proper to indicate the slightest doubt of their truth. How, then, is his silence on the subject, during the whole of this period, to be accounted for? Can any one, who knows his disposition towards me, believe that he would have delayed this imputation a moment if he had believed he could have sustained it in a fair and honorable contest? His having so long forborne to make it, when he knew I could have had an opportunity to defend myself, affords reasonable ground to believe that he would not have made it at all if he had not supposed I had actually lost that opportunity by having taken my departure for a foreign country. Why did he not question any of the facts to which I had deposed, in his letter of February, 1823, which he addressed to the chairman of the select committee alluded to, eleven days after my examination? Had he really believed that I had not sworn truly, there was then a most suitable occasion for making his present statement, and his conduct being then under investigation, there would have been every motive for making, and none for withholding, it.

But, this was not the only opportunity he let pass by unimproved. On the 27th of February, 1823, he made a partial report to the House, in obedience to the very resolution of the 8th May, 1822, of which he availed himself to make his recent attack upon me. This he might with as much propriety have done on the former as on the latter occasion. According to his own view of the subject, the letter in question, being from a Receiver of Public Money, was not embraced by "a call only for the correspondence between certain banks and the Treasury," and, of course, if "no such letter was called for," his official duty did not require him to make any reference whatever to it. His communication on that subject was therefore, wholly gratuitous, and might just as well have been made without any resolution of the House as under one that had no relation to it. But, even supposing it to be otherwise, it is certainly a poor excuse for his not having transmitted the information called for on the 8th May, 1822, before the 22d March, 1824, that he could not get the correspondence copied sooner, when, from the swarm of applicants for employment, competent to this business, with which the city constantly abounds, it cannot be doubted that he might at any time, have had the whole of the correspondence copied in less than one month. From the very nature of it, many hands might have been employed on it at the same time; and with a call so imperative, and his own plighted word afterwards, that he would have the correspondence "prepared and transmitted to the House at the commencement of the late session of Congress," he should not have felt himself at liberty to have made a profitable job of this business in favor of any individual, so as to have delayed it till the 22d March last.

But I shall not conclude this replication, without exhibiting still greater difficulties to overcome, before he can successfully exempt himself from the suspicion of having contemplated some advantages, by postponing his attack to "the moment of my departure." At present, I will proceed to a brief examination of some of the new grounds, and arguments thereupon, by which he has elaborately endeavored to prove me guilty of perjury.

In meeting him upon this accusation, I must protest against the dexterous use he makes of the same facts to establish directly opposite conclusions in his favor. I am perfectly willing to yield him one side of the argument, and have no right to object to his taking choice, but more than this it would be unreasonable in him to ask, and imprudent in me to concede.

He attempts to infer, that "my publication, announcing my intention of withdrawing from the directorship of the Bank of Edwardsville," as mentioned in my "oath," could not have been communicated to him by the Receiver at Edwardsville, and even that it could not have existed; because it was not referred to in the letter of the Receiver at Kaskaskia, of the 18th of September, 1819, who, if it had existed, was bound by the Secretary's instructions to communicate it," as "a circumstance affecting the character of the Bank of Edwardsville." And yet he contends, "that, even if both the communications (my publication and the letter in question) alleged had actually been made, there was nothing in the act for the Secretary to conceal. Mr. Edwards has stated on oath his opinion that in the Fall of 1819 the Bank of Edwardsville was in as good a condition as any bank in which the public moneys were deposited; and, if so, what necessity was there for the Secretary to discontinue the deposites?"

Now, if the latter be true, there was surely "nothing in the fact" of my publication having been made which the Receiver at Kaskaskia was bound by the Secretary's instructions to communicate." On the other hand, if there was any thing "in the fact" which the Receiver was bound to communicate, according to those instructions, it must have been something indicative of danger in continuing the deposites. It must be evident, therefore, either that the silence of this Receiver as to my publication is no evidence against its existence, or that it contained something "to conceal," or at least to render the propriety of continuing the deposites somewhat questionable.

The truth however is, that I have nowhere contended that the Receiver's letter rendered it Mr. Crawford's duty to discontinue the deposites; and the avowal of such an opinion is most erroneously imputed to me, in direct opposition to the explanations I have given, and my declared objects in referring to that letter. Neither in my publication of 1819, avowing my intention of retiring from the bank; nor in my correspondence with him in February, 1822; nor in my oath before the Committee in February, 1823; nor in my late communication to the House of Representatives, of the 6th April last,—is any such idea suggested. In fact, owing to the responsibility which I thought I had imposed upon myself, by recommending the bank as a depository of public money, I did not think myself at liberty to retire from it until I had seen it through all the difficulties and embarrassments with which I found it struggling on my return from Congress, shortly after it had been authorized to receive the public money. These difficulties having been overcome, and the time arrived when I thought I could with propriety announce my intention of resigning, I made the publication which has been submitted to the Committee; in which, after explicitly stating that "I was convinced it [the bank] could have nothing to fear from a comparison of its situation [as to solvency] with that of any other bank in the United States," I add, "notwithstanding I do verily believe that neither the Government nor any individual is in danger of being intentionally imposed upon by the bank, so long as it continues under the control of its present directors. Yet, intending to be absent from the State; and considering the disastrous pressure of the present times; the hostility which the bank has to encounter; and particularly the opposition of gentlemen in this State, high in office, who have been extremely anxious to get other banks into operation, with the aid of "foreign capital," as it is termed,—I have determined to resign my seat in the directory, and to withdraw from all future responsibility, of any kind whatever, in relation to this or any other bank, without making any further unsupported effort to retain any portion of the public deposites in this State; leaving it to the directors to maintain their credit by their own good conduct, and to the Secretary of the Treasury *to judge for himself*, upon the returns he requires, how far it may be prudent to trust them."

Although I believed at the time that one of the papers in which my publication appeared was regularly sent to Mr. Crawford, yet I enclosed to him a paper containing it; and that he might have as perfect control over the subject as possible, I prevailed upon Colonel Benjamin Stephenson, the Receiver, and the President of the Bank, who apprehended that ill consequences would result from my withdrawing from it, to write to the Secretary of the Treasury on the subject, and to enclose to him one of my publications also; and I advised him (the Receiver) in the mean time to withhold the deposites until he should receive further orders from the Secretary.

In my correspondence with Mr. Crawford, in February, 1822, which is exhibited by himself, referring to my publication, and the situation of the bank at that time, I say, in one of my letters, "This publication was contained in the St. Louis Enquirer, which I supposed you took at the time; it was also contained in a paper which I forwarded to you myself; and it was enclosed, referred to, and commented upon, in a letter of the President of the Bank to you." In the other letter I say, "that I was the cause of the deposites being made there, in the first instance, I freely admit; but that I unequivocally declared that I would not be held responsible for that or any other bank, in any way whatever, after the Fall of 1819; that you were notified thereof in due time; that the deposites have not been continued there, in consequence of my recommendation, since that period; and that the bank was in a good condition, I may, I think, according to my present impressions, fairly insist on."

In my oath before the select committee, on the 13th February, 1823, which Mr. Crawford has thought proper to impeach, after having testified to Colonel Stephenson's having written the letter in question, and enclosed my publication, &c., I add, "The bank continued to pay specie, notwithstanding the pressure, and in the Fall of that year, I expect, was *in as good a situation as any bank in which the public money was then deposited.*"

In my late communication to the House of Representatives of the 6th April last, I not only reassert the same facts, substantially, in regard to the situation of the bank, but, by its monthly return for November, 1819, have, unquestionably, proved them true to the fullest extent. And I expressly state, in that communication, that, even "at the time of its failure, its resources were, I am well satisfied, more than amply sufficient to have secured its debt to the Government."

It is, therefore, inconceivable to me, upon what ground it has been assumed that, in referring to the Receiver's letter, my object was "to charge the Secretary with continuing the deposites after he ought to have been alarmed for their safety," especially, while it is admitted that I spoke "in the most decided terms of the solvency and safety of the bank," at the time the letter was written.

It is true, I cannot consider it very prudent management in Mr. Crawford to have continued it a depository of public money, after he had, as he says himself, "*reason to apprehend a want of punctuality, or good faith on its part,*" especially without enforcing a compliance with its stipulation to make those returns, which *he* considered necessary to insure the fidelity of all the banks that were made depositories of the public money. The former is acknowledged in his communication to the committee, (page 18;) the latter appears by his letter to the President of the Bank of Edwardsville, of the 10th November, 1821; in which he states that "no statement of the account between the Bank of Edwardsville and the Treasurer of the United States, has been rendered to this Department, since that of the 31st January last." [See *Document* 140, *part* 2, *page* 439.]

But, whatever may be my opinion of his subsequent careless management in regard to this as well as other Western banks, I certainly never intended to refer to the letter in question *for the purpose of showing* that there existed, *at that time*, any such state of things as rendered it necessary to withdraw the deposites from that bank. But, as my having been a director thereof, at the time it was authorized to receive the public money, might have had its influence with Mr. Crawford in selecting it for that purpose, I deemed it important to give him timely notice of my intention to resign, and to afford him a fair opportunity of adopting such a course as he might think expedient under the circumstances of the case. The Receiver, who was also President of the bank, and who was more afraid of jeopardizing the former, than anxious to retain the latter office, (for which he was not then allowed a cent of compensation,) fearing that the credit of the bank might be impaired, and that other ill consequences might result from my withdrawing from it, and being, also, bound by the Secretary's instructions "to communicate any circumstance affecting the character of the bank," was very easily prevailed on to write the letter in question, to enclose my publication, and to withhold the deposites, for the purpose of lessening the additional weight of responsibility which he thought—and truly thought—the circumstances mentioned in his letter had devolved upon him.

My objects in referring to my publication and to this letter were twofold.

1. To show the course of conduct I had pursued in relation to my withdrawal from the bank.

2. To show that Mr. Crawford was well informed, and duly notified thereof. Both were rendered necessary by the ungenerous and disingenuous attempts to subject me to unjust censure, which are adverted to in my correspondence with him, in February, 1822.

It is remarkable that, with a pertinacity the most extraordinary, he still perseveres in his efforts to implicate me in the transactions of that bank, well knowing that my connexion with it has long since ceased. And hence is his labored effort, in his late communication to the committee, to prove that I continued to be a director thereof, after the Fall of 1819. In doing this, he must have attempted to impose upon others what he himself could not have believed. With all the information which he must have had at the time of writing his late communication, what could be less justifiable than the implications to which he has thus so recently endeavored to subject me? Whatever else he may think of me, you cannot believe that he thinks me so great a fool as to have so repeatedly and publicly asserted, and finally sworn to, the fact of my having withdrawn from the directorship of that bank, if it had not been true; since, in that case, it would have been so easy to have convicted me of falsehood and perjury. What, then, can be thought of his candor in insisting, even at this late period, that I continued to be a director of that bank, after the Fall of 1819.

Let us, however, see how he endeavors to establish this fact.

Referring to that part of my oath before the Committee, in February, 1823, in which I had sworn that though I had once been elected a Director, since the Fall of 1819, I had refused to accept the appointment, and had had nothing to do with the management of the bank, since that time. "Yet," says he, "in the following Winter, Mr. Edwards is found presenting himself to the Secretary, not only in the character of a Director of the Bank, but of a Director specially delegated and authorized by the Bank to conclude an important arrangement with the Secretary, in respect to the terms on which the bank was to continue a depository of public money. By the printed papers accompanying the Secretary's report to the House, of the 27th April, 1822, it appears that, on the 16th February, 1820, Mr. Edwards, then in Washington, transmitted to the Secretary a letter from the bank to the Secretary, signed by this very Receiver, as President of the bank, containing a list of directors for the year 1820, in which Mr. Edwards's name is included; that, at the same time, he also transmitted to the Secretary a letter from the bank, signed by the same Mr. Stephenson, informing the Secretary that Mr. Edwards, "one of the directors of the institution," is authorized to suggest certain modifications of the contract between the Secretary and the bank, and to conclude such arrangements as he may deem acceptable, which will be considered obligatory;" and he likewise transmitted, at the same time, a letter from the bank, addressed to himself, signed also by Mr. Stephenson, stating to him, at large, the changes desired by the bank, and the reasons therefor."

Contrasting all this parade of circumstances, with all that I did, in regard to the authority thus conferred upon me, "to suggest certain modifications of the contract;" and to my "special delegation to conclude the important arrangement," it would seem that Mr. Crawford could not have desired a stronger confirmation of the truth of the very statement which he now affects to question. What did I do? Nothing more than write to him a short note, in the following words, viz: "I have the honor, herewith, to transmit to you certain communications, which I have recently received from the Bank of Edwardsville, the object of which is fully explained by the communications themselves." Is it presumable that any member of the Senate, (not excepting my colleague, who was opposed to the bank,) would not, under similar circumstances, have done this much? Could I, with any kind of decent respect for a portion of the people I represented, have done less?

Without otherwise saying any thing to him on the subject, I simply left the papers to speak for themselves. At this time he and myself were on terms of intimacy, and, as I thought, cordiality and friendship. Had I not been determined not to interfere further in the business, I should certainly have spoken to him about it. Had he not perfectly understood, from my publication, &c., the reasons of my silence, he would, doubtless, have mentioned the subject to me. But no conversation having taken place between us, in regard to this matter, confirms my statement, and affords a very strong presumption that he had received all the information before referred to.

His attempt to produce an impression unfavorable to me, from the circumstance of my name's appearing on the list of Directors, is the more extraordinary, since he himself has prefaced his remarks on that subject, with an extract from my oath, from which it appears, "that, though I had been once elected to that station since 1819, I had refused to accept it." He well knows that to constitute a Director, requires the concurring wills of the electors, and the person elected; and, knowing I had "refused to accept the appointment," nothing can be more disingenuous than to pretend to recognise me in that character. If he had entertained the least suspicion that I had not sworn truly on the subject, his whole conduct towards me can leave no doubt that he would have spared no pains to have been prepared to prove the fact. It being, therefore, obvious that he must have believed my statement, in this particular at least, what can be thought of his effort to mislead others in regard to it? More frankness and candor surely were due to the exalted station he occupies.

My name's appearing in the list of Directors, was produced by the following circumstances. The election took place on the 1st January, 1820, while I was attending to my public duties in this place, as a Senator of the United States, and, though I had positively declared that I would not serve, I was elected by the influence of General Payne, of Kentucky, who held nearly half the stock of the bank, and hoped that he could prevail upon me to change my determination, which he in vain attempted to accomplish; all of which, I have no doubt, Mr. Crawford well understood. It was probably owing to this gentleman's influence, and that of his powerful connexions in Kentucky, that this bank continued so long a depository of public money

From Mr. Crawford's present attempt, under all these circumstances, still to implicate me in the transactions of that bank, it may well be supposed that his first efforts for that purpose, in 1822, which have been systematically and pertinaciously persevered in, to the immediate cause of the present controversy, have not left me without just cause of complaint.

My conduct, in regard to that bank, has been fairly stated. It was the result of a justifiable desire to protect my own character against casualties that might have injured it; and not with a view to injure or give dissatisfaction to any human being. Nor did I imagine that it could have produced any motive, or furnished any ground, for accusation against me. Finding, however, contrary to every reasonable expectation, that "partial information from the Treasury Department," concerning my agency in bringing that bank into connexion with the Treasury, was extensively used, with no little success, for the purpose of producing injurious implications against me; and thinking that I had just reason to apprehend they were about to be presented in a more imposing form, I felt myself called upon to address to Mr. Crawford my letter of the 9th February, 1822, in which, from a desire that my conduct should be fairly understood, and with no intention or expectation of giving offence, I referred to and asserted the facts, substantially, in relation to my publication of 1819, and the Receiver's letter, which are contained in my oath before the select committee, in February, 1823.

Nothing could have been more preposterous than my assertion of these facts, and the request with which it was accompanied, if I had not supposed that all these documents were in Mr. Crawford's possession. Nor can any thing be more reasonable than to suppose that, if they had not been received by him, he would then have said so.

He, however, alleges, that "his not having replied to this, or any other matters contained in those letters, resulted from his having declined any correspondence with Mr. Edwards on the subjects to which they referred, in consequence of *a menace* which the first of them contained." But let us inquire what that menace was?

Having stated, in my letter above referred to, circumstances which induced me to suppose, as well they might, that he intended to make some use of my name, in a report he was about to make to the House of Representatives, on the subject of the Bank of Edwardsville, I say, "I beg leave, 'most respectfully, to suggest that it would be but 'an act of justice to me, to present my publication 'of 1819, in which I declared I would be no 'longer responsible for that or any other bank, in 'any way whatever;" declaring in the same letter, that the object of it was to manifest my disposition or willingness to avoid the necessity, on my part, of calling for any information upon the subject, or referring to other matters.

It is this declaration, candidly made with a view to avoid any measure that might be construed into an evidence of hostility, that he is pleased to consider "the menace which my first letter contained." As, however, my real object was what I had declared it to be, I had no hesitation in saying, in my second letter, that "I owe it to myself, unhesitatingly and promptly, to disavow any intention of offering personal disrespect to you, or the station you occupy." The *menace*, then, if any had been made, was withdrawn. Still, however, he did not think proper to deny that the communications alluded to were in his possession, which no doubt he would gladly have done, if such had been the fact.

But he did not, in fact, "decline any correspondence with me on the subjects to which my letters referred;" for, in his answer to my first one, among other observations which he made in relation to those "subjects," he says: "I assure you, 'sir, it will afford me great pleasure to communicate to Congress *all* the information in the possession of the Department, concerning that bank, 'your agency in bringing it into connexion with 'the Treasury, and the representations which were 'made against," &c.; thereby manifesting a disposition rather to show that he had no desire to conceal and withhold the documents alluded to, than to deny their existence.

Under these, and other circumstances mentioned in my communication to the House of Representatives, it would be extraordinary, on the supposition that my publication and the Receiver's letter had not been received, even if he had declined replying to my letter of February, 1822, that their existence should have remained for a period of more than two years unquestioned; and that even a doubt upon the subject should have been for the first time suggested "at the moment of my departure for a foreign country."

But Mr. Crawford has, in his communication, attempted to avail himself of an additional ground to convict me of false swearing, in what he is pleased to call my "alleged expectation" that the letters referred to in my testimony as having passed between himself and Colonel Stephenson, would have been communicated to the House, under one or other of the resolutions of February, 1822.

"As the resolutions," says he, "under which it 'is alleged these letters should have been communicated, call only for the correspondence between 'certain banks and the Secretary, it is unnecessary 'to explain why, among the letters which were 'communicated, any correspondence between a ''Receiver' and the Secretary was not to be found. 'Nor is it easy to imagine how any one, informed 'of the tenor of those resolutions, should have 'entertained the expectation of seeing the letters 'in question among the papers which were transmitted."

In order to a correct understanding of this part of the subject, it may be useful to advert to my testimony before the committee. In this, after stating that I had prevailed upon "Colonel Benjamin Stephenson, the Receiver, and the *President of the Bank at Edwardsville*, to write to the 'Secretary," &c., I say: "I was much surprised 'at not seeing this correspondence in the report, 'as well as one or more letters, which, I confidently believe, were written to the Secretary of 'the Treasury, 1819, for the purpose of apprizing 'him of the situation of the bank, at that time, 'and inducing him to forbear to draw upon it, 'until it could relieve itself from the pressure it 'was then encountering." Now, as from my whole statement, in regard to this matter, it is evident that the subject-matter of the letter referred to in my testimony, related much more to the affairs of the bank than to the ordinary duties of the Receiver, it surely is not more extraordinary that I should have expected to have seen this letter, or so much of it at least as related to the affairs of the bank, "among the papers which were transmitted," than that Mr. Crawford himself should have transmitted a variety of letters from this same Receiver, under the resolutions referred to. But he has, in other instances, acted upon the very consideration which induced the "expectation," on my part, to which he now excepts; or why did he transmit his letter to the Receiver at St. Louis, of 19th January, 1822, (see document No. 119,) and state, in the report which it accompanied, that he had transmitted "all the additional returns and correspondence required by the resolution, *except two letters from the Receiver at St. Louis, which were of a confidential nature?*" Nothing could have rendered it necessary to have communicated the first, or to have apologized for not transmitting the other, but the circumstance of their relating, as the letter of Colonel Stephenson did, to the affairs of the bank.

Having thus disposed of the amplifications which he has given to his original charge, as contained in the report in question, I now return to the letter, which is as follows:

"The Hon. Mr. Edwards, late a Senator from Illinois, having stated, on his examination before a committee of the House, on the 13th February, 1823, that the late Receiver of Public Moneys at Edwardsville had, on his advice and in his presence, written a letter to the Secretary, enclosing a copy of a publication which Mr. Edwards represents himself to have made, some time in the year 1819, announcing his intention of retiring from the directorship of the Bank of Edwardsville, and that he had advised the Receiver to withhold his deposites from the bank until he could receive further orders from the Secretary; and that *the Receiver* afterwards informed him that he had received *a letter* from the Secretary, directing him to continue the deposites; the Secretary deems it proper to state, that no such letter from the Receiver is to be found on the files of the Department; that the officers employed in it have no recollection of the receipt of such a letter; and that, on an examination of the records of the Department, it appears that no answer to any such letter, directing the Receiver to continue the deposites, was ever written to him by the Secretary of the Treasury."

Whatever different interpretations, ingenious and forced constructions might have given to this report, Mr. Crawford's elaborate commentary upon it must now carry conviction to every mind, that its real object was, at least, to create a suspicion of the truth of my statement, both in regard to the Receiver's having written the letter mentioned in my testimony, and of his having "afterwards informed me that he had received a letter from the Secretary directing him to continue the deposites." The report itself, as well as the commentary, alleges circumstances which are intended to invalidate the former, and he has impeached the latter by denying that he ever gave such instructions to the Receiver.

The facts, then, fairly at issue between us, are:

1st. Whether the Receiver did write the letter alluded to?

2d. Whether he "afterwards informed me, that he had received a letter from the Secretary, directing him to continue the deposites?"

As to the first:—It appears, that on the 6th of August, 1819, Mr. Crawford addressed a letter to the Receiver, most emphatically requiring him to state, why he had not then "deposited the public moneys in his hands in the bank, in conformity with the instructions from the Department," and alleging that there could be no longer any excuse whatever for retaining the public money. (See No. 1.)

It is difficult to believe, either that the Receiver would have neglected to answer this peremptory letter, or that Mr. Crawford would have tolerated such a disrespectful omission. The latter, however, has stated additional circumstances which render it wholly improbable that any such neglect should have occurred. He represents the Receiver as having been guilty of great remissness in regard to making his deposites for months before, and says that he, (the Receiver,) "must have discovered that the Secretary was dissatisfied with him for retaining the public money in his hands. He must have been aware that every subsequent return which he transmitted to the Treasury, as it exhibited an increasing balance, and as it showed that he made no deposites in bank, would aggravate the Secretary's dissatisfaction." Mr. Crawford, however, relies upon these circumstances to prove, that if the Receiver had answered this letter, he would, in his subsequent correspondence, consisting of two short notes, have made "some allusion to the communication which explained the reason of his apparent disobedience, and to the instructions which he expected in answer, for the government of his conduct in that important particular;" but would it not, let me ask, have been much more extraordinary and unaccountable, that he should not have answered the letter at all, than that he should have failed, in one or two short subsequent communications, to have alluded to this answer?

The letter, in fact, was fully answered on the 12th October, 1819. No other answer was ever given by the Receiver. And this is the very letter in question, which, after accounting for its delay, assigns as a reason for not having theretofore made the deposites, a difficulty that might thereby have been created, of complying with previous instructions: presents an account of the then situation of the bank; intimates apprehensions as to its future prospects; declares an unwillingness to make further deposites, without such instructions as the Secretary might think fit to give, "on a full disclosure of the whole circumstances of the case;" and, among other things, expressly states, that "the publication of Governor Edwards, herewith transmitted, shows the course he is disposed to pursue." All of which, I am happy to say, can be established by the original draught of the letter itself, on file in the office of Samuel D. Lockwood, Esq., Receiver of the Public Moneys, at Edwardsville, with an endorsement thereon in the hand-writing of the late Receiver, (who has been dead about eighteen months,) purporting that the letter was sent to Mr. Crawford in October, 1819, (of which an attested copy is hereto annexed, see No. 2.)

On the 22d October, 1819, ten days after the date of the letter last referred to, the Receiver again writes to Mr. Crawford, and states, that "twelve thousand five hundred dollars of the capital stock of the Bank of Edwardsville, having been paid into the bank since the date of my last letter, I feel it my duty to inform you of the circumstances, in consequence of some of the suggestions made in that letter. (See No. 3.) The first fact in issue between Mr. Crawford and myself, is therefore established.

As to the 2d, viz: "That the Receiver informed me he had received a letter from the Secretary, directing him to continue the deposites," it must be admitted that my statement does not render me at all responsible for the truth of this information; and, that it might have been given to me, even if it had not been true. But as this circumstance would have weakened, so the fact of Mr. Crawford's having actually written a letter to the Receiver in November, 1819, expressly saying "I request that you will, immediately after the receipt of this letter, deposite in the Bank of Edwardsville the whole of the money in your possession on the 30th instant," must sufficiently corroborate my testimony.

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2d. That it could not have been written on the grounds upon which it professes to have been written.

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This belief, however, acquires great additional, if not irresistible strength, from another document which Mr. Crawford enclosed in his letter to the Receiver, of the 1st November, 1819. It will be perceived that, among the strongest reasons urged by the Receiver for declining to make the deposites, in the Bank of Edwardsville, without further instructions from the Secretary, were his apprehensions of danger to it from "the hostility of the Bank of Missouri, and citizens of St. Louis," and his apprehensions that the drafts of the Secretary might fall into their hands, or those of "persons who, under their influence would be disposed to insist upon specie, when notes would answer them equally well, merely for the purpose of harassing and distressing the bank." It is presumed that it was to allay these apprehensions that Mr. Crawford (who had checked the Bank of Missouri for its conduct towards other banks) transmitted in his letter to the Receiver, who was also the President of the Bank of Edwardsville, the document alluded to, which is headed "A list of bank notes which would be received by the Bank of Missouri, according to the letter of the President of that bank, dated 9th August, 1819." (See No. 5.) For what other possible purpose could this "list" have been intended? And what else could have induced him to send it to the Receiver at Edwardsville?

Further corroboration of his having received the letter in question, is furnished by the circumstances of his having, on the same day that he wrote to the Receiver at Edwardsville, written on the same subject to both the Receiver at Kaskaskia, and the Cashier of the Bank of Edwardsville, giving to the former particular instructions about making his deposites; and enclosing to the latter a copy of a letter that he represents himself to have written to both these Receivers, from which it appears that he ordered them to deposite all the public moneys which they should receive after the last day of the month in which he wrote —not in the Bank of Edwardsville, but in the Bank of Missouri, until otherwise directed. (See No. 6.)

Considering the circumstances disclosed by Mr. Crawford, in regard to the withholding of the deposites by those two Receivers, it is not to be presumed that either of them would have been guilty of any unnecessary delay in making the deposites after the receipt of his letters to them of the 1st November, 1819; and, if these letters, which purport to have been written at that time, were promptly transmitted by mail, according to their respective destinations, it is inexplicable that the Receiver at Edwardsville, who resided within about two hundred yards of the bank, of which he was also the President, should not have deposited "the whole of the money in his possession on the 30th November," before the 31st December; and, that the Receiver at Kaskaskia should not have made his deposite till 3d January following. Mr. Crawford admits that the former did not receive his letter till some time in the month of December, but at what time in that month is not stated, nor how the fact was ascertained, or is ascertainable, (see his communication, page 6.) Such delays as must have intervened between the date and receipt of those letters, at a season of the year when the mail is liable to so little obstruction, affords matter of speculation, in which, for the present, I forbear to indulge.

But I would ask what, but the letter of the Receiver at Edwardsville of the 12th October, could have startled Mr. Crawford into all this hurry of writing, and sudden change of the place of deposite; and, at the same time, account for the subsequent hesitation that seems to be fairly inferrible from those otherwise unaccountable delays? As that letter was well calculated to produce such results, and nothing else appears to account for them, it cannot be unreasonable to refer them to that cause.

He attempts to avoid the inference of his having received this letter, and my publication, by stating "that if they had been known to him, they would naturally have been alluded to on such an were transmitted," than that Mr. Crawford himself should have transmitted a variety of letters from this same Receiver, under the resolutions referred to. But he has, in other instances, acted upon the very consideration which induced the "expectation," on my part, to which he now excepts; or why did he transmit his letter to the Receiver at St. Louis, of 19th January, 1822, (see document No. 119,) and state, in the report which it accompanied, that he had transmitted "all the additional returns and correspondence required by the resolution, *except two letters from the Receiver at St. Louis, which were of a confidential nature?*" Nothing could have rendered it necessary to have communicated the first, or to have apologized for not transmitting the other, but the circumstance of their relating, as the letter of Colonel Stephenson did, to the affairs of the bank.

Having thus disposed of the amplifications which he has given to his original charge, as contained in the report in question, I now return to the letter, which is as follows:

"The Hon. Mr. Edwards, late a Senator from Illinois, having stated, on his examination before a committee of the House, on the 13th February, 1823, that the late Receiver of Public Moneys at Edwardsville had, on his advice and in his presence, written a letter to the Secretary, enclosing a copy of a publication which Mr. Edwards represents himself to have made, some time in the year 1819, announcing his intention of retiring from the directorship of the Bank of Edwardsville, and that he had advised the Receiver to withhold his deposites from the bank until he could receive further orders from the Secretary; and that *the Receiver* afterwards informed him that he had received *a letter* from the Secretary, directing him to continue the deposites; the Secretary deems it proper to state, that no such letter from the Receiver is to be found on the files of the Department; that the officers employed in it have no recollection of the receipt of such a letter; and that, on an examination of the records of the Department, it appears that no answer to any such letter, directing the Receiver to continue the deposites, was ever written to him by the Secretary of the Treasury."

Whatever different interpretations, ingenious and forced constructions might have given to this report, Mr. Crawford's elaborate commentary upon it must now carry conviction to every mind, that its real object was, at least, to create a suspicion of the truth of my statement, both in regard to the Receiver's having written the letter mentioned in my testimony, and of his having "afterwards informed me that he had received a letter from the Secretary directing him to continue the deposites." The report itself, as well as the commentary, alleges circumstances which are intended to invalidate the former, and he has impeached the latter by denying that he ever gave such instructions to the Receiver.

The facts, then, fairly at issue between us, are:

1st. Whether the Receiver did write the letter alluded to?

2d. Whether he "afterwards informed me, that he had received a letter from the Secretary, directing him to continue the deposites?"

As to the first:—It appears, that on the 6th of August, 1819, Mr. Crawford addressed a letter to the Receiver, most emphatically requiring him to state, why he had not then "deposited the public moneys in his hands in the bank, in conformity with the instructions from the Department," and alleging that there could be no longer any excuse whatever for retaining the public money. (See No. 1.)

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He attempts to avoid the inference of his having received this letter, and my publication, by stating "that if they had been known to him, they would naturally have been alluded to on such an occasion" as that of writing to those Receivers; in other words, that the receipt of them would have been acknowledged by him. But he admits the receipt of the letters of Mrs. Stephenson, and the Receiver at Kaskaskia of the 18th September, 1819, and attaches much importance to them in his communication; yet, though it would have been just as "natural" that he should have alluded to them, as to the letter of the Receiver of the 12th October, he is as silent as to either of them, as he is to the latter, or as he was to that part of the letter of the President of the Bank of Missouri, of the 9th August, 1819, which gives such an alarming account of the Bank of Edwardsville. His not having noticed the letter in question, in any of his subsequent communications, therefore, furnishes no evidence to rebut the strong presumption, that I have relied upon, to prove that he must have received it.

Let us then briefly inquire, whether his letter of the 1st November could have been written on the grounds upon which it professes to have been written.

He professes to have been induced to write it, from an inspection and examination of the monthly accounts of those Receivers, and commences it in the following words, viz: "Upon referring to your monthly accounts, it appears that you have retained all the money which has been received by you since the month of August last." Now, a moment's reflection is all that can be necessary to convince you that there could not have been, at Washington, on the 1st November, more than one monthly account of moneys received after the month of August preceding. And, if he had referred to their monthly accounts, he would have perceived that the Receiver at Kaskaskia had retained in his hands, all the money received by him after the 18th May, and the Receiver at Edwardsville had made no deposite since the 1st day of the preceding July—circumstances, which it is extremely improbable he would have overlooked, or neglected to advert to in his letter, unless, indeed, there was some peculiarity in these cases that defies all skill in guessing, which rendered it more excusable in these officers to have retained one part of the public money than another.

But, if something more than meets the eye was not intended, why was his letter to the Bank of Edwardsville, of 1st November, 1819, together with its enclosure on the subject of those very deposites, suppressed? Their omission concealed a fact which affords a very strong presumption that he had received the letter of the Receiver at Edwardsville of the 12th October; and it is rendered less probable that they were withheld through inadvertence or forgetfulness, from the circumstance of my having called his attention to the subject by my correspondence with him in February, 1822, just about the time he made the report that ought to have contained them.

This letter, though at last brought out upon the third call upon Mr. Crawford for his correspondence with the banks, and accompanying the report that was intended to affect me so injuriously, is still given in such a manner, as not only to conceal the true state of the case, but to produce an impression directly contrary to the fact, by omitting to communicate its enclosure, which is so referred to as necessarily to make it a part of the letter; and this impression would probably never have been questioned, but for the present contest, in which the report has involved me.

The letter commences by saying, "The letter, of which the enclosed is a copy, was addressed to the Receivers of public money at Kaskaskia and Edwardsville * * * * * *. To prevent the inconvenience and risk which may result from the accumulation of such large sums in the hands of those officers, I have this day directed them to deposite in the bank the sums which may be in their possession on the 30th instant, and to deposite, monthly, the money which may be received during each month."

Now, in what bank would any one suppose these monthly deposites were to be made? Certainly in the Bank of Edwardsville, to which the letter was addressed. But, palpable as this conclusion may appear, the fact is directly otherwise, and the enclosure will prove it. By the latter, Mr. Crawford says, "I request that you will immediately deposite in the Bank of Edwardsville whatever sums may be in your hands on the 30th instant, (November, 1819.) * * * *. You will, after the deposite herein directed, make your deposites in the Bank of Missouri, until otherwise directed." Who, let me ask, could have inferred, from the letter above, that these directions had been given to those Receivers, or to either of them? And can it be denied that this enclosure ought to have been communicated, for the sake of truth if nothing more?

But let us see how this case stands in other respects. If he did not send such a letter, and give such instructions to those Receivers, he made a direct and positive misrepresentation to the bank, for which no adequate motive can be perceived. But if, as he himself asserts, he did give such instructions, it shows most clearly that he did intend to suspend the making of deposites in that bank, and accounts much more satisfactorily than he has done in his communication to you for his letter of the 20th April, 1820, which directs the deposites to be continued with a degree of particularity that would scarcely have been thought necessary, if there had been no reason to suppose it had been his intention to discontinue them.

But he has appealed to the want of any assignable motive for the concealment of any of the foregoing facts, as proof that none was intended. I take no issue with him upon his motives or intentions. I may, however, be permitted to say, that the pertinacity with which, in opposition to all the proofs I have exhibited, he still endeavors to hold me responsible for the Bank of Edwardsville, after the Fall of 1819, renders it probable that he might not have been willing to let me escape from responsibility at that time. Overwhelmed, as he was, with representations against the bank, my withdrawal from it may have confirmed his fears, and rendered him reluctant to disclose any circumstance that was calculated to devolve upon him an increased responsibility for events then apprehended, and since realized.

Having received a communication through the committee, that contains a reference to a conversation that I am represented to have had with Mr. Campbell, of Ohio, on the day of my departure from the city, in March last, I feel myself authorized to give the following explanations:

In travelling through Kentucky last Summer, I received, at Russelsville, in that State, a confidential communication from Virginia, warning me that I was to be attacked at the then succeeding session of Congress, and that Governor Coles, of Illinois, was expected to co-operate in it, and advising me strongly to come on to Washington a week or two before the meeting of Congress, for the purpose of preparing for a defence. These intimations coming from a source that I knew to be entitled to the highest respect, I did not think it prudent to disregard them; and, not expecting to return to Illinois for some time thereafter, I wrote to the honorable Daniel P. Cook on the subject, in consequence of which, a correspondence took place between him and Governor Coles, in which, I believe, the latter disavowed the correctness of the information as it related to him. I refer to this correspondence with the less reluctance, because Governor Coles, whose character is well known here, can establish it.

Being thus warned, I endeavored to prepare for the threatened attack, and came on to Congress with a determination to do nothing unnecessarily to provoke it, but to meet it, whatever it might be, with firmness, whenever it should be made. I however, never once suspected any thing like the insinuation contained in Mr. Crawford's report, and though I may have written as much, or even more than has been supposed, preparatory for an anticipated attack, yet it is most certain that not one word of it related to the subject of the report. This I had neither anticipated, heard of, or seen, till about one hour before my intended departure, on the day after it was communicated to the House. It then took me by such perfect surprise, that I neither knew, nor could decide, what was best to be done with it, and I left the city without ever having mentioned the subject, as well as I can recollect, to any person or persons, except three members of the House of Representatives, of whom Mr. Campbell of Ohio, was one.

I met with him on the morning I left the city, and my impression is, that he introduced the subject, and seemed to have no doubt that the report was intended as an attack upon me. In the course of the conversation with him, I alluded to the confidential information above referred to, probably spoke of what I had prepared and intended to have done, in any event that might have rendered it necessary to have defended myself, at an earlier period, and regretted that I could not have been permitted to get off in peace. It is idle to insinuate that my answer to the report could have been written before my departure from this place. The latter could not be answered till it existed, and, after it was known to me, I did not remain here long enough for any such purpose. Besides, a letter which I wrote to Mr. Campbell, on my journey, (towards whom I had no motive for concealment, will show that my communication was then not only not written, but that I did not expect to employ more than three hours in replying to the report. One thing is certain, that no man could have been less disposed than myself to be the aggressor, in any controversy whatever, at that time; and, if I had not considered the report as intended and calculated to fix an indelible blot upon my reputation, which I knew I did not deserve, nothing would have been heard from me, in regard to Mr. Crawford.

The anxiety which the Committee manifest, and must so naturally feel, to get through with this investigation, and my continued indisposition rendering it impossible to proceed with my replication to Mr. Crawford's communication, as I had intended, so as to finish it within the time which I could reasonably hope to prevail upon the Committee to wait, I feel myself compelled to postpone, to a future occasion, which will not be neglected, a full answer to all his remarks, and, at present, to content myself with a few observations upon those of them which are most prominent, and seem to demand the most immediate attention.

Commencing his justification for receiving so much uncurrent paper, some of which was greatly below par, from certain local banks, with a history of the commencement of the direct connexion of the Bank of Missouri with the Treasury Department, on the 1st August, 1818, he says: "Before this time the bank had acted as the agent of the Bank of the United States. It had fulfilled its engagements with that institution with good faith, &c. * * * * The large amount of money to be received from the sale of public lands in that quarter, rendered a connexion with such a bank not only convenient, but necessary. * * * * The Receivers were instructed to receive the notes of such banks as paid specie on demand for their notes, and no other, and to deposite them in the bank, to the credit of the Treasurer." But (says he) in this arrangement with the bank, "there was no stipulation as to what kinds of money it should receive or pay for the Treasury." These, therefore, must have been general deposites, and having been made at the solicitation of the bank, without any special agreement, it thereby imposed upon itself the highest obligation in regard to them, that the acceptance of an unconditional general deposite could create upon any bank whatever.

But besides this general principle, there was a contract that excludes every construction which could have imposed upon him any obligation, moral or legal, to have taken from the bank any paper that was not of as much value as the deposite, at the time it was made.

This bank was continued a depository of the public money on the same terms on which it had been employed as the agent of the Bank of the United States, except that, instead of the deposites being subject to the drafts of the Cashier of the

Bank of the United States, they were, on this second arrangement, to be drawn out, "from time to time, by Treasury drafts."

In both cases they were to be drawn for as occasion might require, subject to the following conditions, viz:

1. If in favor of individuals, to be paid at sight.

2. If in favor of the Bank of the United States, payable in sixty days.

It appears, from Mr. Crawford's own reports, "that, in 1817, an arrangement was made between himself and the Bank of the United States, by which the public funds were to be deposited in the branches of that institution, in all places where such branches existed; and, where there was no such branches, the bank was to designate certain State banks, for which it would be responsible, and in which such public moneys should be deposited," &c.

In conformity with this arrangement, the Bank of the United States, having selected and employed the Bank of Missouri as a depository of the public money, became responsible to the Treasury Department to pay cash for all moneys therein deposited. This it could have had no motive for doing, without a correspondent obligation on the part of the Bank of Missouri. Who could be better judges of what would create such an obligation, than the enlightened President and Directors of the Bank of the United States? Their disinterested opinion on the subject is practically demonstrated by the adoption of measures which they must have considered fully adequate to secure their own interest, and impose upon the Bank of Missouri the correspondent obligation above referred to. Their, therefore, not requiring "a stipulation as to what kind of money the Bank of Missouri should pay," is the best proof that they did not consider any stipulation in addition to those expressed or implied by the contract, as necessary to impose upon that bank the obligation to pay cash.

If, then, notwithstanding the want of such a stipulation, the Bank of Missouri was answerable to the Bank of the United States for the public deposites as cash, by what kind of argument can it be demonstrated that the absence of such a stipulation exempted it from a similar obligation in its subsequent engagements with the Treasury Department?

By the contract, there were but two ways by which the Secretary could claim the right to demand, or the bank the right to make, payment. The one by drafts in favor of individuals, payable at sight. The other by drafts in favor of the Bank of the United States, payable in sixty days. There was, therefore, no obligation on Mr. Crawford to receive one cent himself, nor to enter into an arrangement with other banks to receive any part of the deposites from the Bank of Missouri. How, then, was he "bound" to accept the uncurrent money which he received from that bank? By the contract he could have lawfully required it to pay the whole amount of deposites, either on drafts in favor of individuals, or of the Bank of the United States, subject to the conditions that apply to each. Had he drawn for the whole amount of the deposites, according to the contract, his drafts could not have been discharged, without the consent of the holders thereof, in any thing but legal money, and a protest of the drafts would unquestionably have furnished good cause of action against the bank.

But it is manifest, from other considerations, that it could not have been the intention of the parties that the deposites were not to be considered as a cash demand upon the bank. Both parties knew, at the time of the contract, that the Bank of the United States would not receive, in payment, any thing but cash, or its equivalent; a contract, therefore, on the part of the Bank of Missouri, to pay, if required, the whole amount of the deposites to the Bank of the United States, must have been understood as an obligation to pay it in legal money, or such other funds as that bank would consent to receive.

If the construction now contended for by Mr. Crawford be correct, it equally applies to all the other banks which he employed, whose connexion with the Bank of the United States ceased on the 30th June, 1819, and a more injudicious arrangement, nor one better calculated to perpetuate "the evils of special deposites," could not well have been made. They were not bound to receive any notes which at the time of deposite were not equal to cash; and if they might thereafter discharge the obligations created by those deposites in depreciated paper, there could not be worse management than permitting the deposites to accumulate, as he says they did in the Bank of Missouri, in rather less than one year, to the amount of upwards of $640,000, composed principally of notes most liable, from the very nature of the times, to depreciate.

Under such circumstances, however solvent the Bank of Missouri might be, such an amount of notes could not be kept on hand so long, without danger of great loss to the Treasury, and therefore it must have been bad management not to have found some means of exchanging them for cash, or applying them to the public service.

It is, however, but a waste of time to dwell upon a point which the testimony of some of the best informed and most distinguished gentlemen of which this country can boast, taken in this case, proves to be so incompatible with the general usage and practice of banks in such cases.

I will, therefore, notice this part of Mr. Crawford's communication no farther than to make a single remark upon the evidence, by which he endeavors to prove that he was "bound" to have taken even more uncurrent notes than he did receive from the Bank of Missouri. "This evidence (says he) is statement E, prepared at the Bank of Missouri, and laid before the Missouri Legislature, by a committee which was appointed to examine the report of the bank, and which committee represents itself to have had before it, and carefully examined, the books, notes, and such other papers of the bank, as were necessary. The statement is 'of moneys on hand, September 6, 1819, received from the several Receivers of Public Moneys, being such as they were authorized to receive by the Hon. William H. Crawford, Secretary of the Treasury.' It purports, he adds, to have been taken from a register kept by the Cashier of the bank from the 8th of August, 1818, to the 6th of September, 1819, which period includes only twenty-seven days not embraced by the first arrangement under which the bank was accountable only in kind. By this statement it appears that the bank had then on hand notes taken from Receivers, of a description not receivable by it on general deposite as cash, amounting to $569,064, of which $283,757 were of the kinds transferred by it to the Treasury."

In stopping so short, however, with his quotation from this document, he has omitted a most material part of it, which overthrows his whole conclusions; for, in reference to those very notes, the document states that though they had been received as above stated, "the bank did, at its own expense and risk, convert the same into specie." If, then, this document is good for any thing, it leaves him wholly destitute of any apology whatever for receiving uncurrent notes from that bank.

But waiving all question of his obligation to receive uncurrent notes from this bank, I return to, and insist upon, a specific statement contained in my communication to the House, which I think he has but poorly evaded.

It is this: "That being called on by a resolution of the House of Representatives to state the amount of uncurrent notes which he received from these banks, he has misstated it, making it less than it really was."

To decide this matter, it is necessary to see both what he has said and what he has done in regard to it.

In his report of the 14th February, 1822, page 8, in replying to the call that had been made upon him for the amount of uncurrent paper which he had received from certain banks, he says as follows, viz:

"From the Bank of Tombigbee there have been received $15,311, in the notes of the State Bank of North Carolina.

"From the Bank of Missouri there have been received the following sums, viz:

In notes of the State Bank of North Carolina - - - - - - -	$42,000
of the Bank of Nashville - - -	29,844
of the Farmers and Mechanics' Bank of Cincinnati - - - - -	11,845
of the Miami Exporting Company	8,661
of the Bank of Cincinnati - -	3,846
of the Bank of Muskingum - -	291
of the Farmers, Mechanics, & Manufacturers' Bank of Chillicothe -	350

"And, from the Bank of Edwardsville, there have been received $18,562, in notes of the Bank of Kentucky and its branches.

"In the two first cases, the notes were received in the month of March, 1820, and in the third, in October, 1821. All these notes, above described, were uncurrent at the time they were received from the banks. * * * * In no other case have uncurrent bank notes been received from any bank in which the public money has been deposited."

These are the assertions of Mr. Crawford, about which there can be no dispute. If, then, I can show another case, or other cases, in which uncurrent bank notes have been as clearly received from the Bank of Missouri, as in the cases he has mentioned, I make good my statement. This being all that I desire, I shall content myself with but a single case at present.

In his letter I. No 9, of the 2d March, 1820, to the President of the Bank of Misssouri, he acknowledges that, "in consideration of a proposition made by Colonel Riddick, as agent of the Bank of Missouri, he had agreed to take a draft "in favor of the Bank of the State of Tennessee, payable at Louisville, for $40,156, in notes of that bank and its branches." (See document 66.)

His letter B. No. 25, to the President of the Bank of Missouri, of the 14th November, 1820, and the President's answer, B. No. 26, of the 12th December, 1820, (see document 119,) show, that the said 40,156, in notes of the Bank of Tennessee and its branches, were transmitted to the Branch Bank of the United States, at Louisville, on the 21st May, 1820, according to his orders, where they were received by him.

The Hon. Hugh L. White's testimony shows that these notes were mostly on the Branches of the State Bank of Tennessee, and that these Branches had suspended specie payments some time in the Summer of the previous year.

These notes, it will be seen, are not included among the uncurrent notes which Mr. Crawford acknowledges to have received, though they were equally entitled to that denomination. I therefore submit the naked fact to the Committee, that he did receive uncurrent notes, to a considerable amount, in another case, besides those specified in his report on that subject.

Without positively denying this statement, Mr. Crawford would seem to impugn it, by alleging that those notes were immediately placed to the credit of the Treasurer, as cash, by the Bank of Tennessee. This, if ever so correct, cannot disprove the fact I have alleged. The notes in the hands of the Treasurer were as much a cash demand upon the bank, as any entry it could make on its books upon their alleged transfer. But, had they been paid the next day, it would not prove that they were not uncurrent when received. They, however, remained at Louisville, from the 21st of May, 1820, till January, 1822, and have only been discharged by payments in depreciated paper, to pensioners, and, possibly, a few other public creditors; so that, if the Treasury has escaped a loss, it has fallen upon those who were entitled to the gratitude and justice of their country. But I have not pretended to allege any thing more upon this subject than the mere fact that more uncurrent notes were received than has been stated by Mr. Crawford; and therefore it is not incumbent upon me to show, that the Treasury has sustained any loss, or that the Bank of Missouri has gained an advantage at the expense of the poor pensioners on the Government. I have not represented these "as notes of insolvent banks," like those on some of the Banks of Ohio actually were. But, I have no doubt, that as much might have been said in favor of the receipt of some of the other Tennessee notes, which Mr. Crawford acknowledges were uncurrent, as of those on the Branches of the Bank of Tennessee. If, however, I am bound to pursue the subject further, for my own justification, then certainly I have a right to call for, and should wish to see, the proof on which Mr. Crawford has predicated the statements which he has made to the Committee on this subject.

The next subject to which I beg leave to call the attention of the Committee, is, to my fifth statement, in the following words, viz:

"That he has in his report to the House, misrepresented the obligations of those banks, or some one of them, at least, and predicated thereon an indefensible excuse for his conduct in receiving those uncurrent notes."

It is evident that I have been misapprehended in regard to this statement. I certainly never intended to be understood as alleging that Mr. Crawford had misrepresented the contracts which were submitted with his report; for I myself relied upon these contracts, and the fact that no public money had been received by the Banks of Edwardsville and Tombigbee, before the date of their respective contracts to pay cash for the deposites, for proof of my allegation.

The Committee justly consider this statement as the recapitulation of a charge previously made; and it will be seen that, for a specification thereof, I referred to a preceding part of the communication that contained it. This is expressed in the following words, viz:

"Being called on by a resolution of the House of Representatives to state the amount of uncurrent paper which he received from the local banks that had been made the depositories of the public money received from the sale of the public lands, he admits the receipt of a large amount from the Banks of Edwardsville, Missouri, and Tombigbee. But, as an excuse for his conduct, he represents those notes to have been deposited in these banks 'before the date of their contracts, under which they agreed to account for the public deposites as specie.'"

My opinion certainly is, that any statement which either adds to or diminishes the real obligations of those banks, must be a misrepresentation of their obligations; and, taking Mr. Crawford's statement to be correct, it implies the existence of obligations different from those contained in "the contracts submitted with his report;" for the deposites could not have been made "*before*" the date of those contracts, without an expressed or implied contract thereupon, which was not communicated, but which, from his statement, must be understood as giving to those banks a right to tender the money which he received from them.

My object, however, was to show that he had misstated the fact "in saying that the uncurrent notes which he had received from the Banks of Edwardsville and Tombigbee," had been deposited in these banks *before* the date of their contracts, under which they agreed to account for the public deposites as specie." And this statement I now beg leave to submit to the decision of the committee, holding myself ready, if the committee have any doubts on the subject, to show that those deposites were made in the bank *after* and not *before* the date of their contracts to pay cash for them.

Mr. Crawford has labored to show that the interest of the Western country required the employment of the local banks as depositories of public money. I am not disposed to contest this point, nor to deny that a judicious employment of solvent and prudent local banks for this purpose, might have afforded some relief, though the principal object which he seems to have had in view was to relieve the Bank of the United States from the odium of collecting the public revenue, and converting it into available funds, by substituting the local banks for that purpose. According to his arrangement, as he himself has developed it, his intention was to render the public money, by whomsoever collected, available wherever the public service might require it. Of course, whether collected by the local banks or the Bank of the United States, it was *intended* that all of it which could not be appropriated to the public service in the Western should be transferred to the Atlantic States. The drain of specie, or its equivalent, therefore, from the West, with the exception of the permanent deposites, was *intended* to be the same in either case, and it is doubtful, at least, whether the ephemeral relief thus afforded to the Western community, has not been more than overbalanced by the evils which finally resulted from the injudicious execution and suicidal extension of this plan. Certainly great losses have resulted from it, as the events of almost every day exhibit, and if they have not fallen upon the Treasury, the people cannot have escaped them.

The principal ground of my objections to Mr. Crawford's conduct in this respect, has been exhibited to the House in the following words, viz:

"The most objectionable parts of his conduct, in regard to these matters, are, his mismanagement of those banks, and his continuing to employ them after he himself had become sensible of the danger of doing so."

To establish this statement, I rely upon his communication to the committee to show that he continued the Bank of Edwardsville a depository of public money, after he was so convinced of its want of good faith, as to act, in other respects, upon that opinion.

I rely upon his correspondence with the Banks of Tombigbee, Huntsville, Steubenville, and Vincennes, and Governor Jennings' testimony in regard to the latter, to show that he was apprized that there was danger in continuing the deposites in the three first, and that he continued the latter a depository of public money after it had forfeited all claim to his confidence, and proved, to his own satisfaction, that it could not safely be trusted.

I rely upon the testimony that has been taken before the committee, to prove, 1, That he has acted illegally in making deposites of public money in local banks in the District of Columbia, and even in this city, without making report thereof to Congress, according to law. 2. That he has, in a variety of instances, abused his power to make deposites of the public money by actually making pure gratuitous loans of them; and 3, That of the loans which he thus made, in 1819, a part thereof has not been repaid, and is in danger of being lost.

By the document 66, A. No. 10, it appears that, notwithstanding he had made loans to certain local banks in the District of Columbia, which were so crippled as not to be able to continue their operations without the assistance he afforded them from the Treasury, and particularly the Mechanics' Bank of Alexandria, whose situation he well knew, and to which he had made five several loans of public money, to enable it as the witnesses say, to wind up its affairs, and which loans, or the major part thereof, remained unpaid, he did, on the 1st of August, 1820, the year after these loans were made, direct the Receivers of Public Moneys in Ohio, Indiana, Illinois, Missouri, and Michigan, to receive the notes of those banks in payment for public lands.

By document No. 66, it appears that the Farmers and Mechanics' bank of Cincinnati, into which he directed the public deposites to be made, in 1819, besides its other debts, owed to the Bank of the United States $220,000; had issued its own notes to the amount of $77,550, and had of specie only $19,430; and that he was twice offered any additional security for the fulfilment of its engagements, which he might require, but which he declined taking.

By the same document it appears that he declined the offer to pay interest by the Bank of Huntsville, which the Treasury was justly entitled to receive from that bank.

By his report in the case of Mr. Brahan, Receiver of Public Moneys at Huntsville, it appears that that officer had appropriated a very large amount of the public money to his own use; that he was continued in office an improper length of time after his misconduct was known to Mr. Crawford; that, finally, in settling with him, a large amount that was justly due to the United States, as interest upon the money which he had misapplied, was relinquished; and that the indulgence he received, as to the time of repayment, was more than he deserved.

By Mr. Crawford's own communication to the committee, he himself has shown a case of a Receiver, which would have rendered it improper to continue any man in such an office, under the circumstances which he has stated.

There must also have been some bad management in his permitting the deposites in the Bank of Missouri to accumulate to the amount of $726,000, when the transfer of any part thereof to the Branch Bank of the United States at Louisville, was so practicable by the facilities constantly afforded by steamboat navigation between St. Louis and that place; in his permitting the Bank of Missouri to delay the payment he required from it in June, 1819, for about five months; in his withdrawal, in March, 1820, of his previous drafts upon it, and then agreeing to take a much less sum, and a great portion of it in uncurrent notes, with an intimation to the President of the bank, of ten months additional indulgence, (see his letter I, No. 9, 66;) and this, too, at a time when the bank must have had in its vaults, besides its other good funds, about $221,599 40, in specie, which it was permitted to retain and use, and which was $43,424 40, more than the whole amount of the payments stipulated for by Colonel Riddick, as the agent of the bank. (See bank return, February, 1820.)

Admitting that Mr. Crawford was right in receiving so much uncurrent money from this bank, I submit it to the committee whether he was not wrong in permitting the bank, at that time, still to retain such a large amount of public money in its possession; and for a more detailed illustration of this subject, I beg leave to invite the attention of the committee to the last document attached to my communication to the House, and to a comparison of the statements therein contained, with the public documents to which they refer.

I greatly regret that the want of time will not permit the committee to allow me the benefit of testimony that I otherwise could produce, in relation to the management of the Banks of Tombigbee and Steubenville. I beg leave, however, to refer you to a table, herewith transmitted, which shows the amount of continued deposites in those banks, for years in succession, above the permanent deposites allowed to them, respectively, and to submit to you, whether these deposites, thus continued, can be considered in a less objectionable light than loans without interest.

NINIAN EDWARDS.

JUNE 11, 1824.

ARGUMENT.

To the Hon. JOHN FLOYD, *Chairman, &c.*

Deeply impressed with the importance of the present investigation to myself, personally, I beg leave, with unfeigned deference and respect, to submit to the consideration of the committee the following remarks:

Sensible I am, that the statements of my address to the House, to use the language of the committee, are such as should not be "lightly made," and resolved I am, that, if they are "superficially examined," it shall be in spite of my utmost exertions.

It is obvious to the common sense of mankind, and apparent from the reasoning of the committee, that, from the active nature of responsibility, both moral and official, in this country, upon him who undertakes to arraign the conduct of an important functionary, must the weight of his charges recoil, if he fail to establish them. This consideration, while it furnishes a motive for zeal and perseverance on my part, is calculated to oppress me with mortification, at finding that the committee have given this decided and injurious direction to the statements which they think fit to denominate charges, contained in my address, after they had commanded, and before they could procure, my appearance for the purpose of explaining and enforcing those statements.

This having been done, I trust I shall be pardoned for endeavoring to show, to the satisfaction of the committee, that the course of reasoning, by which it was effected, is not authorized either by the facts admitted by themselves, or by the evidence which was presented to them.

To relieve this subject, as far as may be, from the complexity of words and inferences in which it is involved, I must be permitted to define, beyond the power of misinterpretation, the character and import of the statements which I made, and to claim, if I show that they are sustained, by the facts and evidence offered to the committee, relief from the culpable responsibility with which their report has a tendency to burden me, and from the onerous task of investigating motives, which my address does not assign, or of abiding, in the accountable position indicated by the committee, the result of a moral inquiry, which, however it may comport with the partiality of Mr. Crawford's friends, is certainly excursive and gratuitous in reference to the statements which I had the honor to advance. These the committee, not adverting to the document by which they were occasioned, have denominated charges, and, as such, they are fairly and conveniently susceptible of a division into two general heads, each of which may be supported by maintaining the specifications upon which they depend.

According to this arrangement, the first is to this effect, viz: That the Secretary of the Treasury, the Hon. Wm. H. Crawford, has mismanaged the national funds; and the second amounts to this: that the Secretary of the Treasury has been guilty of neglect of official duty.

In order to sustain these charges, I shall follow the example of the committee, and shall, in the first place, recite the resolution of Congress of 30th April, 1816, which declares "That the Secretary of the Treasury be, and he is hereby, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing, or becoming payable to the United States, to be collected and paid, in legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in the notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing, or becoming payable to the United States, as aforesaid, ought to be collected or received, otherwise than in the legal currency of the United States, or in notes of banks which are payable, and paid, on demand, in the said legal currency of the United States."

By the terms of this resolution, it is not only plain to the understanding of every man, but expressly declared by the committee, it was made "obviously imperative" on the Secretary of the Treasury, after the 20th February, 1817, "to allow nothing to be received for debts due to the United States, but the legal currency of the United States, Treasury notes, notes of the Bank of the United States, or of those of State Banks, the notes of which were payable, and paid, on demand, in cash."

In conformity with the injunctions of this resolution, and with the act incorporating the Bank of the United States, an arrangement, (agreement,) it is affirmed by the committee, was concluded, in the early part of 1817, between the Secretary of the Treasury and that institution, by which it was stipulated that the public funds were to be deposited in the Branches of the Bank of the United States, in all places where such branches existed; and, in others, that bank was to select and designate certain State Banks, for which it was to be responsible, and in which such public moneys were to be deposited; and notes of all banks, whose paper the Bank of the United States would receive, in deposite, as cash, *and none other*, were to be received on sales of the public lands. On the 30th June, 1818, this agreement, it is stated by the committee, terminated, at the instance of the Bank of the United States; and, under the circumstances attending this fact, the Secretary entered into agreements with certain State Banks, by which they were employed as points of deposite and instruments of transfer for the public money, in the course of its collection and disbursement. Engagements, of this description, were effected by the Secretary with the Bank of Missouri, on the 1st of August, 1818, with the Bank of Edwardsville, on the 1st of February, 1819, and with those of Illinois, Huntsville, and Tombigbee, about the same time. Soon, however, it is declared by the committee, this connexion between the State Banks and the Secretary of the Treasury was extended in its application, and varied in its obligations. A greater number of banks were embraced by it, and more favorable conditions were allowed them. It was agreed that, as an equivalent for the risk and expense of deposite and transfer, the use of a stipulated sum should be permitted them, as a permanent deposite, which was not to be withdrawn, except in a certain specified case.

The substance of this agreement between the Treasury and these State banks, is expressed by the committee in the following words:

1. "That the bank should receive in deposite, to the credit of the Treasury, as cash, from the Receivers of Public Moneys, all the current notes of such banks as maintain cash payments; with power, however, to discontinue to receive the notes of any particular bank, on giving reasonable notice of such intention to the Receiver.

2. "That the bank should pay, at sight, all drafts from the Treasury; and should also transfer, on request, all sums on hand beyond the amount of the stipulated permanent deposite, to the Bank of the United States, or certain enumerated Branches of that Bank, and that a fixed sum should remain in the bank, as before men-

tioned, as a permanent deposite, to be transferred, however, to the Bank of the United States, in six months after the termination of the agreement.

3. "That, if the money were wanted for disbursement in the neighborhood of the banks, it might be drawn for at sight, notwithstanding such drafts might reduce the permanent deposite below the stipulated sum.

"The amount of this permanent deposite was to be increased, if it should appear that the bank should receive and transfer such large sums as that the expense thereof should not be considered as compensated by the benefit of the deposite which had been stipulated. It was also prescribed that the bank should render to the Secretary of the Treasury, and to the Treasurer, duplicate monthly returns of its accounts with the Treasurer; and to the Secretary, confidential monthly returns of the state of its own affairs, showing, also, the credits of all public officers, in the bank; and also, quarterly lists or returns of all its debtors, to the end that the Secretary of the Treasury might determine on the propriety of continuing the public deposite in such bank."

The effect of this arrangement is thus summed up by the committee.

"The following table shows the amount of the permanent deposite allowed to each bank, respectively, as the equivalent for the services rendered, or expected to be rendered, by it to the Treasury:

Bank of Steubenville - - -	$50,000
Bank of Chillicothe - - -	100,000
Franklin Bank of Columbus - -	20,000
Farmers and Mechanics' Bank of Indiana - - - - - -	40,000
Bank of Illinois at Shawneetown -	50,000
Branch Bank of Kentucky at Louisville - - - - - -	100,000
Bank of Tombigbee at St. Stephen's	100,000
Planters and Merchants' Bank of Huntsville - - - - -	75,000
Bank of Missouri - - - -	150,000
Bank of Vincennes - - - -	75,000
Bank of Edwardsville - - -	40,000
Farmers and Mechanics' Bank of Cincinnati - - - - - -	100,000

"The amount of these permanent deposites is nine hundred thousand dollars; the interest on which sum, at six per cent., would be fifty four thousand dollars." And I allege, in support of my first charge, that, by means of it, the Treasury of the United States was made to pay to the State banks enumerated, the sum of $54,000, annually, for receiving and transferring the public money: service which the Bank of the United States was bound, by the provisions of its charter, as well as by the agreement of the early part of 1817, to perform, without compensation.

This allegation the Committee declare to be unfounded. They consider that the Bank of the United States was bound to transfer no other description of public funds, than cash funds; and in order to sustain their declaration, they affirm that the Bank of the United States was not bound to receive in deposite "as cash, the bills of any banks but its own." In this affirmation there appears to me to be something of a fallacy, the detection of which may, perhaps, induce the Committee to doubt the correctness of their construction of this obligation of the Bank of the United States. By the circular of the Treasury to the State banks, under date of the 1st of July, 1818, announcing the termination of the agreement between the former and the Bank of the United States, and expressing conditions, upon the acceptance of which the advantage of deposite and the services of transfer between the former and the Bank of the United States were extended to these banks, they are instructed, in relation to all sums deposited subsequently to the 30th June, 1818—the period at which the agreement with the Bank of the United States expired—"to enter them, as heretofore, to the credit of the Bank of the United States, for the use of the United States." And in his letter to this institution, of the 30th June, the Secretary maintains, earnestly and successfully, the existence of a complete right in the Treasury to hold the Bank of the United States responsible for whatever "moneys were deposited to its credit in the State banks;" and, after remarking that "an examination of the returns made by the bank to the Treasury, of the public money in its possession, for which the Treasurer [of the United States] is credited, supports this position," he alleges, in illustration of it, "for whatever the bank has charged itself, in its account with the Treasury, except for the special deposites, it is, I presume, in point of law and common sense, responsible. The special deposites were entered to the credit of the Treasury, upon the express stipulation that the bank should not be accountable until they were converted into specie, or into bills admitted by the bank to be equal to specie." He adds, below, "I am persuaded that the facts, and inferences drawn from them, in the preceding pages, will be sufficient to show that the responsibility, deemed so extraordinary by the Directors, has been assumed from the date of the arrangement, and continues to the present moment unimpaired."

These extracts establish the following conclusions, viz: That, up to the moment when the Secretary permitted the obligation of the Bank of the United States to expire (as he says in his circular of the 1st of July following) "by agreement," that institution was responsible in cash for all the public funds received by it on deposite, except such in regard to which the contrary was expressly stipulated, and that, consequently, it was bound to transfer them at the will of the Secretary of the Treasury, free of expense and without compensation. This, it is admitted by the Committee, it was bound to do, in reference to "cash funds"—a description from which it will be difficult to exclude all sums, not held as special deposites; for all other funds were entered by the bank, as the Secretary declares, and as the returns of the bank prove, to the credit of the United States; and of course represented such an amount of ready money, or pecuniary force, at the disposal of the Secretary, on the books of the bank. Cash funds is a phrase not restricted to coin, or the precious metals; for no one will deny that ready money is cash, and that $1,000 in United States' Bank notes is $1,000 cash.

These extracts further exhibit the proper and admitted distinction between general and special deposites. They show, as would appear, *ex vi termini*, that all sums not received expressly as special deposites, were considered as general deposites, were credited to the United States as cash, and under that description were embraced by the obligation of the bank to transfer the cash funds of the United States, at the request or order of the Secretary of the Treasury. It follows, then, that, according to the Secretary's own showing, the Bank of the United States was under an obligation to the United States to transfer all public funds, other than special deposites, received by it or its branches, or by the State banks it had designated, at the request of the Secretary of the Treasury, free of all expense, and without compensation; and it can hardly be denied that, when the Secretary of the Treasury, "by agreement," as he declares, permitted the bank to withdraw from this obligation, and agreed to allow certain State banks $54,000 annually, (a fact which is not disputed,) for performing the very same services, he voluntarily increased the annual expenditure of the Treasury by that amount; relinquished "by agreement," a right which, by the charter of the Bank of the United States, and its own engagement with him, he held in the fiscal services of that institution, and then gave to the State banks $54,000 annually, for a right to command the same fiscal services from them.

This new agreement, injudiciously extended and carelessly executed, I have ventured to denominate, in what the committee consider my first charge, "mismanaging the public funds," nor am I now able to devise a more appropriate expression. The committee would, probably, have come to the same conclusion in regard to this subject, but for what I suppose to be the fallacy, which, as already intimated, they admitted into their reasoning, of restraining the import of the word *cash* to the synonyme of coin; and of considering the public funds as consisting of other than such as were cash, or equivalent to coin, and such as were not; a mode of classification which implies, obviously, that the parts are greater than the whole.

Under their favorable, but, as I conceive, erroneous view of this part of the Secretary's conduct, which, in a private individual, would be considered highly indiscreet, the committee justify it as conformable "to usage for many years," and to the practice of different officers at the head of the Treasury, of assuming that it was their duty "to manage the public funds in a manner similar to the case here investigated." But this reference to antecedent usage, is not likely to strengthen the position it was intended to support. The duty of Mr. Crawford, and the usage of the Treasury, were necessarily repugnant; for the resolution of 1816, and the law incorporating the Bank of the United States, were adopted for the express purpose of correcting the evil of *usage*, which, according to the admission of the committee, was evidently in disregard of law." Therefore, when they prove, as they do prove, that the management of Mr. Crawford was in conformity to usage, and the practice of his predecessors, they prove it was "evidently in disregard of law;" was contrary to the resolution of 1816, which thus themselves declare "made it the duty of the Secretary to correct this departure from law;" and thus demonstrate not only that he mismanaged the public funds, but that he violated, at the same time, both his duty and the law.

If these permanent deposites, and the accumulated sums which were patiently permitted to remain in some of those banks, are not to be considered gratuitous loans, and an illegal employment of the public money, the loans which, it is now in proof before the committee, the Secretary had made to various banks of this District, cannot fail to satisfy the committee that the charge of mismanaging the national funds has been clearly established.

The corruption of the British Parliament, and the illegal conduct of the British Ministry, are subjects of frequent and just reprobation, as the purity of our Legislature, and the exact subservience of every branch of our Executive to the laws of the land, are deemed causes of satisfaction and sources of pride. When Mr. Pitt, whose influence in Parliament was as transcendant as his fame, undertook, at a period of great commercial pressure, and at a calamitous season of war, to make a loan of £40,000 to the house of Boyd & Benfield, the subject was brought before Parliament, and as the loan, though not gratuitous, was found to be "no legal employment of public funds," and, although the opposition admitted there was *no* ground to impute improper motives to the Premier, it was declared by the House of Commons, an act of dangerous usurpation; and to prevent its being assumed as a precedent, or extended into usage, as well as to acquit this powerful and celebrated minister of moral or official liability, on account of it, a bill of indemnity was introduced by one of his friends, and passed into a law.

Here it is to be observed, that the loan of Mr. Pitt was advanced (even as Mr. Whitbread confessed,) on unquestionable securities. Those of Mr. Crawford do not appear to have been so safely provided for. On Mr. Pitt's loan no loss occurred. A considerable part of Mr. Crawford's loans is yet endangered, and probably will be lost. Mr. Pitt's loan carried interest. Mr. Crawford's were made without any such stipulation. If Mr. Pitt's conduct could be exculpated only by an act of Parliament, can Mr. Crawford's be justified in the teeth of an act of Congress? In this case, let me ask, would not the vital principle of our Government be lost sight of? This is a Government of laws. Responsibility is the soul of the Republic, and is intended, like gravitation in the material world, to hold every orb and every atom, every officer and every citizen, in their legal position. It was intended to prevent the Secretary of the Treasury from committing any act which could be justly called "no legal employment of the public funds;" and will hardly be satisfied by the declaration, that any officer of the Government, but especially the head of the Treasury, can employ the national funds in disregard of law, and yet not mismanage them. Surely there is something less secured in the public treasure of the United States than in that of England.

Having proved, clearly, by the declarations of the Secretary, and the expressions of the committee, that the former relinquished, "by agreement," on the 30th June, 1818, the right of the United States to the fiscal instrumentality of the Bank of the United States, in the collection and disbursement of the national funds, and employed, by conditions offered to them, on the 1st July following, the instrumentality of certain State banks, for the same purpose; and having shown that, when, shortly after the latter date, an extended agreement was entered into on conditions more favorable to these banks, allowing them, as an equivalent, or rather as pay, for similar instrumentality, $54,000, annually, by way of interest on permanent deposites; and having also shown that the Secretary has made various loans of the public money, I shall proceed to a subject connected with my second charge.

This imputes to the Secretary of the Treasury, without any investigation of his motives, neglect of duty. In relation to it, the committee admit that the act of Congress incorporating the Bank of the United States, makes it the duty of the Secretary of the Treasury to employ the offices of that institution as places of deposite for the public funds, in preference to all other banks, unless, for special reasons, he should think fit to use other banks for the purpose; and, in that case, the special reasons are to be communicated to Congress by the Secretary, at its then, or its next session. This communication the committee pronounce, and the Secretary confesses, he failed to make. I may safely rest the truth of my second charge on this admission, since a failure in an officer of the United States, from any cause, to comply with the directions of a law prescribing his duties, is, to all intents and purposes, a neglect of duty. The Secretary, however, accounts for it, and the committee justify it upon the ground of inadvertence.

The admission of inadvertence, in this case, is a concession of neglect of duty so complex, that it may fairly be denominated a violation of duty; for, as the object of the law, in requiring the prompt communication of these special reasons, was not only to know that they existed, but also to know that they were sufficient, a failure to make the communication, if justified by inadvertence, is justified only as to the existence of the special reasons, and leaves the Secretary more directly obnoxious to the charge of having proceeded in the business upon reasons that were insufficient, a charge which, if substantiated by inquiry, could not, from its nature, be justified by inadvertence, but would infallibly discredit either the judgment or the integrity of the presiding officer of the Treasury.

After recapitulating my statements in regard to the intercourse between the Secretary and the Bank of Missouri, the committee remark upon that which (they say) declares that this bank was unworthy of credit at the time the public money was suffered to accumulate in it to a large and improper amount; they admit that, at one time, this accumulation amounted to $726,000, and then affirm that the propriety of permitting this state of things is a question of prudence, depending on the solidity of the institution. I endeavor to show, in my address to the House, that, in reference to this enormous accumulation, the limited capital, and excessive issues of the Bank of Missouri, left nothing like a substantial or reasonable security to the United States. But the committee, not denying the justness of this inference, seem to avoid it by affirming that my estimate of the capital of this bank is incorrect, inasmuch as it does not comprehend the amount of permanent deposite as part of its capital, and, as raising the latter to such a proportion to the amount of its issues of paper, as would give it, in relation to the whole sum of public money confided to it, the character of solidity. The reasoning involved in this affirmation cannot be maintained. If the bank had lost its solvency from the excess of its issues above the amount of its capital, a common creditor would hardly be persuaded, in order to secure a debt of $576,000, due to him from the bank, to lend it $150,000 more, to add to its capital, and restore its proper proportion to the issues of the institution. This step might be beneficial to the other creditors, and friendly in regard to the stockholders and officers, but, except in this benevolent light, would certainly be considered folly on the part of the creditor. The proportion, then, between the capital and the circulation of this bank, upon the fitness of which the committee declare the prudence of accumulating $726,000 of public money in it, depended, is not as $360,000 is to $430,000, but as $210,000 is to $430,000; and the amount hazarded in deposite, by the Secretary of the Treasury, stands related to the capital of the bank to which it was confided, not in the proportion of $526,000 to $360,000, but in that of $726,000 to $210,000; and this $210,000, endangered by its disadvantageous and inadequate proportion to an admitted excessive amount of issues. Besides, this nominal capital of $210,000 was subjected to the pressure of other exhausting operations. The discounts to the stockholders and directors were made on a pledge of their stock, so that, to this extent, that species of financial capacity, which $100 of capital may represent, and authorize $150, in issues, was destroyed.

As this proposition of the committee cannot be sustained, the force of my statement, which it was intended to obviate, still bears upon the conduct of the Secretary, and demonstrates that, in his intercourse with the Bank of Missouri, he not only was guilty of neglecting his duty, but of mismanaging the public funds.

In my address to the House, it was alleged that the Secretary had neglected to exact monthly returns, and quarterly lists of its debtors, from this bank, and thus disregarded the means in his power of understanding the condition of the bank, and of providing against any loss which might occur to the United States from the embarrassment or insolvency of this institution. This fact is admitted by the committee to its full extent, but is not viewed by them as evincing neglect of duty, or censurable inattention to the interests of the United States, although, in the Secretary's contract with this bank, (as represented by the committee,) these returns, &c., are carefully insisted on, in order "solely to aid the Secretary in determining the propriety of continuing or discontinuing the arrangement with the bank."

In considering my statement, which falls under both charges, and imports that the Secretary received a large amount of uncurrent paper from the Bank of Missouri, the Committee declare this institution was not bound by the condition proposed to it by the Secretary, previously to the 9th August, 1819, to receive as cash, on account of the United States, such sums as the Receivers should deposite in it, but was responsible for the same only in kind. But this, if correct, does not diminish, but only removes, to an earlier point, the mismanagement of the Secretary. It appears to place him in a dilemma. If his contract with the Bank of Missouri did not, as is stated, secure to him the right of general deposite and transfer, to the same extent, that, by the charter of the Bank of the United States, and his contract with that bank, he possessed that right, it follows that he was indiscreet in permitting the Bank of the United States to withdraw from this obligation, before he could impose it on another bank. And if, as may be inferred from the observations of the Committee, it was proper that the Secretary should receive, in kind, notes which, under the contract with the Bank of Missouri had been for months deposited to the credit of the United States, because, at the time they were deposited they were good, it would seem that a custom-house bond might be discharged, when it became due, in notes, however depreciated, provided they had been good at the date of the bond.

To justify this unwise and irregular proceeding upon the ground that, from the conjectures of the Secretary, no ultimate loss will be sustained by the United States on the uncurrent paper received, would be to proceed upon a principle which would allow of every species of speculation, on his part, with the public funds—a principle at war with integrity and prudence in fiscal operations, and with the practice and regulations of this and other countries.

In the British House of Commons, the first charge brought against Lord Melville, was, not for the loss or waste of the public funds, but for permitting their mismanagement by a subordinate officer, who had deposited them in private banks, in a manner similar in all respects to the operations of the American Secretary of the Treasury, with this only difference, that the British Government sustained no loss by this malversation of Mr. Trotter. It was the *practice*, and not the *event*, which was denounced before the House of Commons. "I am appalled (said Mr. Whitbread) at the reflection of no less than thirty-four millions of the public property having passed through Lord Melville's paymaster's hands. Why, sir, the report states explicitly that upwards of eight millions had been in the hands of his private bankers, and nearly seven millions more are allowed to have passed through the same channel. I cannot but think that this negligent criminality is deserving the severest reprehension."

Mr. Pitt, the warm and powerful advocate of Lord Melville, was forced by a sense of truth to confess that this permitted misapplication of the public money contrary to law, though "without actual loss to the State," was not to be justified; was constrained to advise the erasure of his friend's name from the list of Privy Councillors; and thus expressed to his admiring country the conflict between the tenderness of his friendship and the sublimity of his patriotism. "I am not (said that magnanimous man) ashamed to confess that I have not given this advice without a bitter pang. I will not erase from my bosom the feelings of private friendship."

When the report of the Committee was framed, the only evidence which was known to exist that I gave the advice represented in my Address, to the Receiver at Edwardsville, was my own solemn declaration to that effect, and my publication of 1819, announcing my intention of withdrawing from the directorship of the Bank of Edwardsville. Upon this evidence the Committee thought fit to admit, "that there was no doubt Mr. Edwards gave such advice as he represents to the Receiver;" and at the same time, and against the same evidence, they deny "that the Receiver wrote on the subject of this advice to the Secretary." For this discrepancy, there is no apparent reason. The second fact is as credible at least as the first; indeed the admission of the first seems to establish the probability of the second—a probability not weakened by the remark of the Committee, that, inasmuch as the same person was the Receiver of Public Money and President of the Bank, "it is hardly probable that as Receiver he would advise the Secretary that he could not repose confidence in the Bank of which he was President. Even if in this double relation he might not have dissuaded excessive confidence, it is yet very clear that, as his interest in the former capacity greatly exceeded that which he held in the latter, he was under the operation of a direct motive to give such information as he did communicate. And upon this motive, which the Committee declare could not exist, the Secretary actually relied, as insuring the faithful communication of all such information. These remarks apply with equal force to the declaration by which the Committee would seem to accuse me of swearing falsely, "that there is no evidence that the Receiver wrote on the subject of this advice to the Secretary. I asserted, upon oath, "that I saw the Receiver write to the Secretary, and enclose my publication;" and I confess that I feel no inconsiderable distress at the reflection that my oath is falsified by the Committee, in regard to a fact probable in itself, and at least as credible as one which my oath is suffered to establish.

As to the famous letter from the Receiver, there can *now* be no doubt that it was written and despatched to the Secretary; or, if from technical objections to the testimony, the committee should not be disposed to act upon it, enough may be seen to show the propriety of allowing further time for producing, in due form, testimony enough to establish the fact; and this I ask the committee to do, if they are not satisfied of the fact. It must be admitted, that, as I had no power to summon witnesses after I myself was summoned, I could do no more than obtain voluntary affidavits, and that I had but little time for doing this much. The question of this letter having been received by the Secretary, appearing to depend on a comparative estimate of the opposing weights of the probabilities of the fact on which I have relied, and of the Secretary's denial, it is proper to examine, minutely, the character of that denial. This will be found to be very equivocal. I assert, that such a letter was written, and that I believe, as is now evident, it was transmitted, and, of course, received. The Secretary does not deny that it was received, but declares it is not on file, and is not recollected by the officers employed in the Department to have been received, of whom, however, it now appears, by their own testimony, (with the exception of Mr. Dickins,) that neither himself nor any one else made any inquiry in regard to that matter.

When I state my belief that the letter was received, I obviously mean by the Secretary; and it is an infirm, and fallacious answer to reply, not that the Secretary did not receive it, but that it is now not on file, and is not recollected by the officers employed in the Department (whose credit is rather liberally pledged,) to have been received, both which declarations may be true, and yet the letter be in the Secretary's pocket. Again, I stated that the Receiver told me he had, after transmitting this letter to the Secretary, received a letter from him directing him, the Receiver, to continue the deposites. This, also, the Secretary denies in his report, and in the same indirect and evasive manner. He does not say that no such letter was written, but, that no letter, to this effect, was written in answer to the one which he had laboriously asserted was never received—has strenuously argued was never written! Now, it is very clear that, if the letter from the Receiver was never written, or even never was received, no answer of any sort could have been returned to it; and yet the letter, directing a continuance of the deposites, may have been written. These careful ambiguities in the report, do not seem calculated to make the defensive declarations of the Secretary outweigh the strong improbability, that a public despatch, deposited in the post office, should have miscarried in a mail to which no casualty or interruption is known to have occurred; and at a season of the year, too, when the mail is least liable to any difficulties in its transportation.

In addition to his neglect of duty in his transactions with this bank, as suggested in my address to the House, and in my replication to his communication to the committee, they might have adverted, in support of the same charge, to the case of the Bank of Vincennes; where, also, the Receiver was President of the bank, where the United States lost $168,000; on which bank the Secretary drew, successively, from October, 1819, to March, 1820, four drafts, together amounting to 165,000, suffered as many continuous protests, and after neglecting, as usual, all measures of precaution, took no measure of redress until July, 1820.

A course of didactic admonition, in the form of four official letters, is then pronounced to this delinquent institution, the initial gravity of which is compensated by its final lenity. (See documents.) He recapitulates the acts of ill faith which he had patiently endured, mentions the protests of his drafts for $165,000, warns the directors that, unless they reform their demeanor, and pay the drafts, it will be proper for him to proceed with rigor; but concludes, with proposing a relaxation of that meditated rigor, provided they will agree to honor the drafts within forty days, and even promises to pay for this tardy and extorted justice (out of his never failing fund,) by continuing the course of deposite in a bank, thus attempted to be bribed and threatened into common honesty by himself! To this persuasive proposal, the bank, increasing in audacity, and sagacious of the character of its customer, did not condescend to reply for nine months; at the expiration of which pregnant period, the President was delivered of the abortive fact of the corporation's insolvency. In this feeble and exhausted state, it asks further indulgence, and concludes its appeal to its munificent benefactor, with the most eloquent encomiums upon his liberality. This letter reflects, in interesting colors, the substance and complexion of the intercourse between the Treasury of the United States and the banks of the West; and, whatever may be said of its prudence, must certainly be commended (by a hunter of motives, at least,) for its candor. As the presentation of a moral scene, it is delightful to contemplate the sordid gratitude of the delinquent corporation, glowing under the injudicious, if not illicit, favors of this liberal minister of finance. "Your friendly disposition towards the West, in times peculiarly difficult, and the interest you have evinced for this remote section of our common country, leads to a hope, that the hand that has hitherto protected us, will not be withdrawn." This friendly hand was not withdrawn for at least twenty-one months; when measures of recovery were commenced, in a manner evincing such interest for this remote section of our common country, that the bank was allowed three years more to pay the debt; a period extending beyond the present important year, and upon conditions of collateral security, imposed with such "a friendly hand," that the security was defeated by private creditors, in this remote section of our common country; and, in consequence of the friendly dispositions of the Secretary, for the West, the loss falls upon the United States.

As both my charges have now been established, and, of course, the specifications upon which they depend, by the confessions of the Secretary, and the admissions of the committee, I shall not press the distinction which it seems escaped the committee, when comparing the amount of money lost by Mr. Crawford's mismanagement, (about half a million,) with the amount collected, (twenty-one millions,) they contrast favorably to the Secretary this proportion, with that which obtains in the ordinary collections of private, or mercantile debts. They appear to forget, besides the superior regularity, vigilance, and power, at the disposal of the nation, and the difference between the profits and loss of trade, and the even exaction of the revenue; that the loss incurred by the Secretary was not of debts outstanding, but of funds collected, and collected, too, by salaried officers, at an enormous expense.

Upon one point, however, which has already been considered, I shall add some remarks. The committee have admitted, distinctly, and in correspondence with my statements, that Mr. Crawford did, on some occasions, neglect to make such communications to Congress, as by law it was his duty to do, and that on others, he failed to report such facts and documents, as, by a resolution of the House of Representatives, he was required to do; yet, as they very naturally cannot detect the motives of this misconduct, (which God alone can do,) they acquit him of all blame or responsibility. In this they appear to lose sight of the distinction which has hitherto obtained between private and official rectitude; and of the well established fact, that bad motives in the man, are not necessary to constitute misconduct in the minister. When Burke brought Hastings to the bar of the House of Lords, and, in strains of portentous eloquence, invoked upon the head of the Indian Viceroy the vengeance of humanity, the power of justice, and the imprecated terrors of the English law, in portraying to this august tribunal a course and torrent of plunder and desolation which had overrun regions that the arms of Alexander could not reach; in charging him with the pillage of towns, the ruin of districts, the sacking of cities, the plunder of princedoms, the devastation of provinces, the waste of empires, he did not fail also to accuse him, with intense and awful formality, of having neglected to communicate to the Government the documents which were called for by the proper authority. (Burke's works, vol. 12, p. 454.) "That, in defiance of the said orders, and in breach of the above recited act of Parliament, the said Warren Hastings has, in sundry instances, concealed from his counsel the correspondence carried on between him and the princes or country powers in India; and neglected to communicate the advices and intelligence he from time to time received," &c.

This great statesman, this political philosopher, this experienced orator, did not appear to consider, that the illegal conduct of a minister could be justified by an alleged absence of improper personal motives, nor that a duty, upon the punctual performance of which the whole fabrication of legislation rests, should be repeatedly violated, and with perfect impunity.

I will not complain of any thing that has happened to myself in this business; of the liberality with which *bad motives* have been imputed to me; of that impatient justice, which, on this floor, condemned me for defending myself, and argumentatively accusing a responsible officer, upon *statements*, which are now established, but which were not then examined. But, I beg leave to ask, whether treatment like this can be just in itself, or is likely to sharpen that inspection, which it is the right of every citizen to apply to the conduct of the high officers of this Government, and which cannot be repressed without great danger to the liberties of the people?

The disadvantages under which I have labored in this investigation, must be obvious to the committee. While I have been informed by them that no charges against me have been submitted to them, the trial, if such it may be called, has assumed much more the appearance of an investigation of my conduct, than that of Mr. Crawford. Called upon as a witness, against my own consent, not being willing to rest any of my charges against the Secretary, or my own defence, upon my own oath, I have been required to swear to facts that I consider wholly immaterial, as it relates to his conduct, at least, the avowed object of the inquiry; and the occasion has been embraced of requiring me to defend, not only my general character for veracity, but to maintain it in particular, and special cases, by which I have been perfectly surprised, and for which no adequate time is allowed me.

In my address to the House, I have made certain statements against Mr. Crawford, which the committee are pleased to denominate charges. For specifications of some of these statements, I have referred to certain publications under the signature of A. B., of which I acknowledged myself to be the author, thereby making myself responsible, from that moment, for the charges they contain. When I wrote them, or whether I actually wrote them at all, neither could add to, nor diminish, the responsibility I had taken upon myself, by exhibiting them as charges to the House; and it might, with as much propriety, have been asked of me to swear that I wrote my address, as that I wrote the publications which, by the reference made to them, became a part of that address. How they originated, or what was their object, before they were offered to the consideration of the House, does not appear to me to be either material, in an inquiry into Mr. Crawford's conduct, nor to have been within the intention of the reference to the committee, especially "if no charge against me has been submitted to them."

The only inquiries that appear to me material, in regard to those publications, are, whether the facts they allege are true or false, and, if true, whether they amount to proof of any thing on the part of the Secretary, worthy of reprehension. If the charges against him are well founded, no motive for making them can justify or excuse him.

If I am to be convicted of having made them unjustifiably, and criminally, not barely by an acquittal of him, but by a positive judgment against myself, distinct allegations ought to have been made against me, and a fair opportunity of defence should have been allowed me. Such a trial I should be very willing to meet, but against any collateral and indirect operation for that purpose, and, particularly, where technicality has not been overlooked, I solemnly protest.

I have been required to swear that I wrote these publications more than two years ago, and this has afforded the ground for attacking my veracity, in the special cases alluded to, without my being allowed the necessary time to disprove, invalidate, or explain, the allegations that have been made against me.

With regard to my having denied the authorship of those publications, I have no hesitation in admitting that I have frequently and truly denied that I wrote all that appeared under that signature, during the time referred to by the testimony in this case; that is to say, the period that includes the first and the last of those publications.

I have, also, constantly denied that there was any A. B. plot, or conspiracy, in the case; and have, at all times, treated such suggestions with the contempt they deserved. Not only has the existence of such a "plot," or "conspiracy," been affirmed in several of the most distinguished newspapers of the Union, but the committee have recently heard it boldly asserted on the floor of the House of Representatives. This I have denied, and still do deny, so far as it is intended to implicate me. No man, but myself, is, or ought to be, responsible for any thing I have written, on the subjects embraced by those publications, and one man cannot make a conspiracy. For whatever purpose the assertion of a "plot, or conspiracy," has been made, it has, I know, been more correctly denied than affirmed.

I am, also, equally free to admit, that though my general course was neither to deny nor acknowledge that I was the author of these publications, yet, I may have repeatedly spoken in regard to that matter, as any man has a right to speak in regard to an anonymous publication which he may have written, but which he does not choose, and is under no kind of obligation to avow. But, that I ever said any thing that could be considered as equivalent to a denial of my authorship of these publications, for the purpose of avoiding any kind of responsibility, or to gain any point whatever, I do most positively deny. In fact, no man who did not choose to give his name to the public, on such an occasion, could have taken less pains to conceal it than I have uniformly done in this case; and hence, there is reason to believe that nine-tenths of Congress, and almost every one else who read these publications, and knew the general circumstances of the case, considered me as the author of them. In one of them I offered to avow my real name, provided the House of Representatives, then seeming to threaten to do so, would adopt any measure to operate directly upon me in consequence thereof. And it must be known to several of my friends, that I intended to avow myself the author of such of those publications as I had then written, if the question had been put to me (as was expected) by the committee before whom I was examined in February, 1823, and that I had prepared the preface for my deposition, which is designated No. 3, in the documents accompanying my address to the House, for that and other like objects.

That I had justifiable cause, as well from private, as public considerations, for writing these publications, I shall always be able to prove whenever it may become necessary. At present, I will barely ask, whether the public attempt that was made in several respectable newspapers, and even on the floor of the House of Representatives, to implicate me in the suppression, alluded to in the first of those publications, did not justify me in endeavoring to show that such a charge was ridiculous and absurd? This is fully shown in the subsequent publications; and, containing nothing but the truth, expressed in decent and respectful terms, what could there be in them to be ashamed of? No attempt, that I have ever seen, has been made to prove, that they contained even an indecorous expression, in regard to the Secretary, or that the facts they allege were not true.

As to a suggestion which has been made, that, if they contained any thing which, in my opinion, was wrong in the conduct of the Secretary, it was my duty, as a Senator of the United States, to have noticed it in a different way, I have only to remark, that it may be seen that they treated of "suppressed documents," and it will, I think, hardly be contended by any reflecting and well informed man, that it was my duty, as a Senator of the United States, to have noticed, officially, a contempt offered to the House of Representatives by the suppression of information called for by that House; the more especially as the House itself had taken the subject under its own consideration.

That I denied my authorship of those publications for the purpose of obtaining a confirmation of my appointment as Minister to Mexico, is certainly but poorly supported by proof, (if admitted to its fullest extent,) that such denial was made or known to one Senator only, who had previously taken an active part in my favor; and who swears that he was wholly uninfluenced by that consideration. Considering the time and circumstances when, and under which, this controversy commenced, and that all the Senators were then present, it is hardly to be presumed that, if such an attempt had been made by me, or such a denial had been known to any other Senator, further proof could not, and would not, have been produced.

If, however, the committee should suppose there is proof enough before them to support this imputation, I ask it of their justice to afford me a fair opportunity of producing testimony to the contrary, which I only want time to do. This being granted me, if it shall appear, or there shall be the least reason to believe, that I obtained a confirmation of my nomination by such means, I pledge myself instantly to surrender my appointment.

The committee having requested me, since the foregoing was written, to reduce to writing my motion to have Mr. Crawford examined as a witness, that there may be no misunderstanding on the subject, I proceed to comply with their request, and to explain the grounds of this application.

I deduce my right to claim the benefit of his testimony from the precedent that has been established by the committee in my own case. Legal principles have been pretty rigidly insisted on, in some instances, in the course of the present investigation; and, although I am not able to point out the legal principle or usage that justifies this precedent, I presume it will be sufficient to entitle me to the benefit of it, to show a strict analogy between the case to which it has been applied, and the one to which I now respectfully propose to apply it.

I am considered by the committee as Mr. Crawford's accuser. I might rely upon his report and his subsequent communication to the committee to show that he has made himself mine. But I also wish to prove that such was his intention. If, under these circumstances, either he himself, or the committee, have a right to make me a witness against my own consent, in order to inquire into my motives, and a variety of other matters not included in either of my six charges against him, or in any of their specifications, justice must accord to me the same privilege, in regard to his implications against me. I claim the same right to examine him, and with equal latitude, in regard to all matters contained in his report, and subsequent communication, which implicate me, that has been demanded of me in relation to all the matters contained in my address to the House.

It is true that I myself consider such a course, either in his or my own case, as equally contrary to all former usage, and inconsistent with well established and incontestable legal principles. But, if I have been mistaken, or a new rule is to be adopted, all I ask is, that, while it is applied against me in one instance, I may not be denied the benefit of it in a similar one.

I had supposed that neither of us could, either as accuser or accused, be required, contrary to our consents, to become a witness, and to testify for or against ourselves. The rights of a prosecutor and a defendant, in this respect, are the same in any form of trial that has been adopted in this enlightened country. Either has a right to decide for himself upon how much, or how little testimony he may choose to submit his case, and neither can be compelled to strengthen or weaken it by his own oath.

I invite the committee to review all the facts that have been required to be proved by myself, and that have been admitted to be proved by others in regard to my conduct, and to contrast them with your own decisions, to confine the present investigation of Mr. Crawford's conduct to the charges which I have alleged against him. It will be perceived, from the whole of the testimony in this case, that I have been put upon my trial for a malicious prosecution, in the most injurious possible form, requiring me to convict myself by my own oath, before it is decided whether the charges I have alleged against the Secretary are true or false.

If those charges are true, as I alleged them to the House, I would ask what have the committee to do with my motives for making them, and upon what legal principles could I be arraigned, even in due form, for a malicious prosecution?

If, on the other hand, these charges are not true, (there being "no charge against me submitted to the committee,") it may not only justify the acquittal of Mr. Crawford, but may furnish ground of future trial of myself for having maliciously and falsely made them. It cannot, however, authorize any distinct judgment against me, till I shall be put upon my trial, and have a fair opportunity of defending myself. This I am ready to meet, but I cannot consent to the blending of both trials together.

If you should think such a charge against me sustainable, I would rejoice to have an opportunity to meet it fairly before the House of Representatives, or the Senate of the United States; and for this purpose, I beg leave, earnestly, to request the committee, in case that should be their opinion, to state, distinctly, which of the six charges I have alleged against Mr. Crawford are false, and in what respect they are so, that I may know how to prepare for my defence. In this, I ask no more than any subaltern in your Army is entitled to, in cases of infinitely less importance. I presume, and hope, therefore, it will not be denied me.

In the mode of trial of myself, that has been adopted, (as appears by the testimony,) by which I have only known against what I should have to defend myself from the mouths of the witnesses, the common sense of all mankind must perceive that I cannot have had any reasonable opportunity of defence. If, therefore, the committee think themselves authorized to inquire, for any purpose, whether I denied my authorship of the writings signed A. B. at all, or that such denial was made with a view to obtain the confirmation of my nomination as Minister to Mexico, by the Senate, I claim additional time to rebut the testimony that has been given, and to summon every Senator, if less will not satisfy you, to prove that no member of the Senate either voted for me or forbore to vote against me, on account of any such supposed denial, and thereby to demonstrate the utter improbability of any such intention on my part.

I have not made myself Mr. Crawford's prosecutor, and am not willing to be so considered. With his immense advantages over me, I have not the hardihood to be willing to take issue with him upon his intentions. My object has been, and is still, to defend myself in the most effectual manner in my power, against his attack upon me. This being accomplished, I care not what disposition is made of his part of the case. I had a right to urge the facts I have alleged, in my own defence; and none can admit their truth, and deny the justness of the arguments I have deduced from them.

In doing all this, I have imposed upon myself the obligation to show my own innocence of his imputation against me, and to prove the six specific statements I alleged against him to be true, without reference to his intentions. This is the extent of my responsibility; the public regard it in that point of view, and I protest against any further responsibility, and all collateral and indirect trials of myself; being, however, perfectly willing to meet any charge in due form.

These statements against Mr. Crawford, I have, I think, completely established. If the committee think otherwise, and will specify wherein I have failed, I will still redeem the pledge I have given to the public, in the proper place.

NINIAN EDWARDS.

P. S. All the witnesses, except one, who have testified on the subject of the A. B. publications, say they considered them, and the A. B. plot, as one and the same thing. It will be perceived, however, that, in my address to the House, I made a material distinction between them, before I could have anticipated any contest on the subject; for, while in that address, I spurn the insinuation of "a plot," I acknowledge myself the author of the publications themselves.

NINIAN EDWARDS.

I submit to the committee the testimony herewith transmitted, with a statement of the points to which it is intended to apply.

Thomas F. Riddick states, in his affidavit, annexed to the report of the committee, as follows, viz:

"That the Bank of Missouri did transfer, in *Eastern funds, to the Bank of the United States, and its Branches*, near $450,000, which funds were worth four per cent. to the Bank."

I refer to the "list of drafts drawn by the Treasurer of the United States on the Bank of Missouri, since 1st July, 1818," [see document 9,] to show that the whole amount of transfer to different

banks, was - - - - - -		$481,943 60
By the said Riddick's affidavit, it also appears that he, himself, gives an account of funds, of a very inferior kind, transferred - - -	$138,179 00	
By letter B, No. 16, document No. 119, it appears that there was transferred to the Bra'h, at Louisville, of Kentucky notes -	67,731 00	
By the enclosure of letter I, No. 16, document 66, page 104, it appears there had been transferred to Louis'lle, of Georgetown, and Kentucky notes - - -	6,000 00	
		211,910 00
Leaving only, that could have been transferred, - - - - -		$270,033 60

I have not had time to examine further into this statement.

I refer to a statement of the Treasurer of the United States, dated 11th June, 1824, headed "A statement showing the aggregate of moneys deposited to the credit of the Treasurer of the United States, in the following banks," &c., [see document 83,] to show the proportion of loss to the amount deposited in certain banks that were depositories of public money, received from the sale of public lands, and which have failed to fulfil their engagements with the Treasury."

I refer to the enclosure of letter I, No. 16, document 66, p. 104, to show that more uncurrent notes were received by Mr. Crawford than I have alleged in my address to the House, viz: Georgetown and Kentucky notes, $6,000, which appear to have been received between the 20th May, 1820, and the 30th June, 1821. Or, if they were not received, this document, furnished by Mr. Crawford himself, must afford a very sufficient apology for thinking so.

I refer to an "extract of a letter from Thomas Sloo to the Secretary of the Treasury," furnished by the Treasury Department, see [*b*] and to the letter of George F. Strother, see [*a*] to show that the prospects of collecting the debt of the Bank of Missouri to the United States are not as good as they have been represented to the committee to be, &c.

NINIAN EDWARDS.

To the Hon. JOHN FLOYD, *Chairman, &c.*

The committee having again repeated to me, on last evening, that there are no charges against me submitted to them; that their investigations will be confined to the six specific statements which I have alleged against Mr. Crawford in my address to the House; and that, if I wished to produce further testimony, I must state in writing the names of the witnesses whom I wish to have summoned, and the points I expect to prove by them; I cannot consent to take upon myself the responsibility which may be imposed upon me by subjecting the Government to a great expense, and many gentlemen to much personal inconvenience, without explaining the causes and reasons which, in my opinion, impose upon me the necessity to do so.

I need not enlarge upon the reasons, heretofore given, why I think I have been unnecessarily called upon, against my own consent, to give testimony in this case. That measure has been adopted; its effect has been to bring on a trial of myself upon collateral points, in the most injurious form, surprising me by accusations and impeachments of my character, of which I could have had no previous notice.

Having been made a witness, I might have had less ground of complaint if I had only been required to defend my general character for veracity; but as the thing now stands I am compelled to defend it against particular allegations, the first notice of which has been from the mouths of the witnesses summoned against me. This, I think, was not demanded by any material fact in this case, and it surely can derive no justification from the rules of common law. If I mistake not, it is a sound legal principle that a witness shall neither be compelled to discredit himself, nor shall an adverse party be permitted to ask him a question with a view to discredit him.

Why I was forced to become a witness, I neither knew, nor could conjecture, until the committee did me the honor, on last evening, to state to me that it was in consequence of my having charged Mr. Crawford, in one of my six specific statements, with having suppressed the letter of the Receiver at Edwardsville, mentioned in my examination before the select committee of February, 1823, and with a view to ascertain what I knew upon that subject.

This, I must insist upon, is a very great misapprehension on the part of the committee, and a most injurious one to me if it shall be persevered in.

I do most positively disclaim ever having had, or now having, any intention to include that letter in the charge of suppressions submitted to the investigation of the committee by the House of Representatives.

It is not reasonable to suppose that I could have intended to impose upon myself an obligation to produce proof of the suppression of a particular letter, which the whole scope of my address, and every fair inference from it, showed I considered it as my misfortune not to be able to produce.

But it is not a fair inference from any thing expressed in my address, that I intended to include this letter in the charge of suppressions.

In page 13 of that address, I say, "it could have been no object with me to have established an additional suppression upon him, for, if time do not fail me, it will be seen, before I am done with this subject, that I had in my possession proof, whose credibility could not be questioned, of his having suppressed, in a variety of other instances, letters enough, of a much more important character and delicate bearing, for any purpose that the utmost malignity could have contemplated, as possible to be effected by such means."

Here, then, is a clear indication that, in what I should thereafter say, I did not intend to rely upon that letter, but others much more important, and whose credibility could not be questioned, evidently meaning those that could be established by the documents furnished by himself.

Turning to the charge itself, (see address, page 25,) it is found to be expressed in the following words, viz: "That he has, in several instances, withheld information and letters, called for by the House, and which it was his duty to have communicated."

The specifications of this charge, after referring to a particular case only, commence in the following words, viz:

"But it also appears that he and his officers of the Treasury Department have not been able to find a great number of other letters, and even some of his own official ones, when required by other calls of the House; or, if they could be found, they were suppressed. Of this the documents furnished by himself afford both abundant and conclusive proof. Many instances might be stated; for the sake of brevity, I will allude to a few of them only."

Here, then, is the practical exposition of the intention indicated in the 13th page of my address, in regard to the suppressions on which I intended to rely. The suppressions referred to in the last above recited paragraph, are expressly confined to those which could be proved by the documents furnished by himself, and of these a few only are specifically designated, and being all that I exhibited against the Secretary, must be all that I am bound to prove. They were deemed enough for my purpose, and more, therefore, were not intended to be included.

The publications under the signature of A. B., transmitted with my address, are also referred to for specifications, but these contain no reference to any suppressions but those which the documents establish.

Besides the suppression of the Receiver's letter, according to the decision of the committee, which I am not disposed to contest, was a fact wholly immaterial, since the description which I gave of it in my examination in February, 1823, and the copy I produced to the committee, both prove that it was not one of those letters which the committee suppose was embraced by the call of the House upon Mr. Crawford.

For these, and the reasons I have heretofore had the honor to submit to the committee, I not only think the testimony I am about to ask for, ought not to be considered necessary in the present investigation, but, that my own testimony, and all that which has already been taken in regard to the publications of A. B. ought to be rejected. Understanding, however, that the committee intend to publish all the testimony that has been taken against me, and believing that its publication, under the sanction of the committee, will be calculated to do me essential injury, and great injustice, without further testimony on my part, I feel compelled to ask that Samuel D. Lockwood, Esq., Receiver at Edwardsville, and Thomas Lippincott, Esq., of the same place, and all the Senators of the United States, may be summoned; the two former to support my testimony, and the latter to give testimony to oppose that which has been given against me, in relation to an alleged denial of my authorship of the A. B. publications, and I renew my application for the examination of Mr. Crawford.

NINIAN EDWARDS.

Remarks submitted by Mr. Forsyth.

When, on the 16th June, a question was proposed to Colonel Benton, touching the general character of Ninian Edwards, with a view to show him unworthy of belief, the committee said, that if that question was pressed, and the opposite party asked for a delay to enable him to procure testimony to defend his character, it would be granted; and, as Mr. Cook, acting for Mr. Edwards, distinctly stated that he should want testimony from the Western country, to avoid further delay the question was waived. The committee now say, that certain papers brought from Edwardsville, to be used as evidence by Ninian Edwards, are not duly authenticated; and, as they are deemed by him important, unless they are admitted as evidence, time will be allowed to enable him to procure a proper authentication of them. With the same motive that prevented the question proposed to Colonel Benton from being pressed, a consent is now given that these papers should be received. But it is proper that the character of these papers, the motives for producing them, and all the testimony relating to them, should be examined.

The papers to which this consent applies, are five in number; to each of which is attached an affidavit of Thomas Lippincott, taken before a justice of the peace, viz., a copy of a letter from Mr. Crawford to the Receiver of Edwardsville, of the 6th of August, 1819. 2d. A copy of a letter from Mr. Crawford, of the 1st of November, 1819, to the Receiver. 3d. A copy of a paper which was folded in the letter of the 1st of November. 4th. A copy of a paper dated the 12th October, 1819, neither directed nor signed, but filed away, and endorsed with these words: "copy to the Treasury Department, October, 1819." 5th. Copy of a letter of 22d October, 1819, signed by the Receiver of Edwardsville, and directed to the Secretary of the Treasury. The first and second of these papers were communicated to the committee by the Secretary; the others are not officially certified by the officer whose business and duty it is to authenticate copies of the papers which belong to his office. The affidavit of Lippincott has been preferred by Mr. Edwards to the official certificate; and he, it is presumed, was perfectly aware that such an affidavit was insufficient to make the copy to which it might be attached evidence. The testimony of Lippincott was preferred also to that of a person (Oswald Dunn) who preceded Mr. Edwards to Washington, and who might have testified, after examining the copies and originals, that the copies produced were copies of papers in the office of the Receiver of Edwardsville. This preference was obviously given, that the affidavits might show in whose handwriting the papers in the office were written. The handwriting of each is shown by Lippincott, except the paper with the date of October 12, 1819. By the testimony of Ninian Edwards, given most reluctantly, it is now known that that paper is his own work, a fact obviously intended to be concealed, and to which concealment Lippincott lent himself, if he was, as it is presumed he was, acquainted with Mr. Edwards's handwriting. Even were he not acquainted with it, it will be seen by the affidavits that this paper is the only one the handwriting of the original of which the affidavit attached to it does not go to ascertain. The original letter of the 1st of November is said to be in the handwriting of Mr. Crawford; that of the 6th of August, of *a clerk*, and signed by Mr. Crawford; the paper folded in the letter of the 1st of November, in the same handwriting as the letter of Mr. Crawford of the 6th of August; the letter signed by Mr. Stephenson, of the 22d of October, in the handwriting of Mr. Stephenson. The explanation of this difference in the affidavit, is found in the fact disclosed by Mr. Edwards, that the paper from which that now offered was copied, was the work of his own hand. The affidavit of Lippincott, that the copy offered is a true copy of that paper now on file, is contradicted by the testimony of Mr. Edwards. There is an underscoring in the copy, and in the original none. Mr. Edwards, although he never remembers to have seen the underscoring until he saw it before the committee, states, that before the affidavit was affixed, he or Lippincott must have underscored a particular part of it; which underscoring, making emphatic a particular sentence, brought the copy somewhat nearer than the original to the description given by Mr. Edwards, in his affidavit of 1823, of the letter of Mr. Stephenson. The oath of Mr. Edwards was, that the purpose of Mr. Stephenson, in writing the letter, was to enclose the publication of Mr. Edwards of the 13th of September, 1819, and that he (Mr. E.) prevailed on him to write it. The letter produced, refers to the publication as enclosed, but does it incidentally, as a circumstance of no particular importance; and the agency Mr. Edwards alleged he had in procuring it to be written, is not stated; nor is there any allusion to the advice he declares he gave to Mr. Stephenson to withhold all further deposites until he received the order of the Secretary. Mr. Edwards now states that this advice was given to prevent, not immediate, but future remote danger, while the paper produced by him, as the copy of that letter written by himself states, as from the Receiver, that "he would not wish to risk the responsibility of making the deposites in the bank until after the first of January next, 1820, without your instructions, given upon a knowledge of the facts above disclosed;" of which facts the course Mr. Edwards was disposed to pursue, was one the least important in its character.

The peculiar manner in which the affidavit is drawn, deserves notice. The paper now produced is intended to prove that Mr. Stephenson wrote the letter in 1819, described by Mr. Edwards, and that he gave the advice he stated he gave to Mr. Stephenson, and, as presumptive evidence that his publication, and this letter, were sent to the Secretary of the Treasury. For these purposes it is necessary that it should appear that the original, from which it is copied, should have been always in the office of the Receiver since 1819, and was obviously preserved as an official document. While the others are in ordinary form, the affidavit of Lippincott, on this paper, is of studied and singular phraseology: "that the original was found by him on the files of official letters, appertaining to, and *now in*, the Receiver's office at Edwardsville;" a phraseology which implies that the deponent knew that the files of official letters in which he found the original paper, although belonging to, had been *out of*, the Receiver's office; a fact totally destructive of all the presumptions arising from the finding of the paper on the files of the official letters in the office. This paper of the 12th of October, it is shown by Mr. Edwards, is not on the letter-book of 1819, in which it would have been the duty of Mr. Stephenson to have recorded it, had it been sent to the Secretary of the Treasury. But there is something written upon it by the Receiver. The affidavit is on this point, also, equivocal. The paper was found by the deponent on the files of official letters appertaining to, and *now in*, the Receiver's office at Edwardsville, and endorsed or filed in the handwriting of the Receiver of Public Moneys, as follows: "Copy to the Treasury Department, October 1819." No punishment could be inflicted for this statement as false, if the paper is not endorsed, provided the alternative that it is filed is true. It is filed if the paper was enclosed in a separate envelope, with the words upon it in the Receiver's handwriting; but, if the Receiver's handwriting is not on the paper itself, the only presumption in its favor arises from its being found among papers *appertaining to*, and *now in*, the office.

It is not necessary to pursue this inquiry further. The Secretary of the Treasury could have no knowledge of the conversation or the acts of Mr. Edwards and Mr. Stephenson in Edwardsville in 1819, nor has he expressed either belief or opinion respecting them. What was officially known to him he has communicated. For the correctness of that knowledge only is he solicitous. Nor would this scrutiny into the circumstances of the paper dated 12th of October, 1819, be made, if Mr. Edwards had contented himself with the production of it in explanation of his oath of 1823, and his justification of that part of it which depended upon his own knowledge. It is, however, now produced as presumptive evidence that the copy of it was received by the Secretary; and Mr. Edwards sought for the answer in the office of the Receiver, and has now sworn that he believes the letter of the Secretary, of the 1st of November, 1816, is the letter written after the reception of that of the 12th of October, to direct the Receiver to continue the deposites in the Bank of Edwardsville. The letter of the 1st of November makes no allusion to such letter; it is not a direction to continue the deposites; it is the determination of the Secretary that the course alleged in the letter of Lucy Stephenson of the 18th of September, which letter it now appears was also the work of Mr. Edwards, for the detention of the public moneys in the hands of the Receiver, did not authorize that detention.

Since Mr. Edwards has produced the paper purporting to be dated on the 12th October, 1819, it has been shown that it was impossible that the letter of the 1st November should have been the answer to it, or written in consequence of it. By the mail arrangements of 1819, prevailing until the 16th November of that year, as shown by the testimony of Mr. Bradley before the Committee, it required twenty days to transmit a letter from Washington to Edwardsville, and a longer time to transmit a letter from Edwardsville to Washington. The original accounts of the Postmaster of Edwardsville, taken from the Comptroller's office, and of which an extract is before the Committee, show that no mail left Edwardsville for Washington from the 9th October until the 16th of that month. More than twenty days from the 16th of October reaches beyond the 4th November. The letter of the 1st November was therefore written before it was possible for the letter of the 12th October, 1819, (if such had been written at Edwardsville,) to reach Washington. Admitting the impossibility that this should be otherwise, Mr. Edwards seeks to avoid the effect of this admission, by declaring on oath his belief that the letter of the 1st November was not written or sent before that of the 12th October was received. Either, therefore, the letter was fraudulently antedated or retained until the arrival of that document. To find a colorable pretext for this belief, Mr. Edwards (as the Committee will recollect) turned to the original letter of the Secretary of the Treasury of the 1st of November, to the Cashier of the Bank of Edwardsville, brought by Mr. Edwards from that place, which enclosed a copy of the letter of the same date to the Receiver, in order to ascertain the postmark upon it; and succeeded in persuading himself that there was the figure 8 in the postmark. A clerk of the post office (Mr. Sweeny) was sent for by one of the Committee, (Mr. Taylor,) but Mr. Edwards declined examining him. Mr. Sweeny, however, was examined; and the postmark was ascertained to be the 3d of a *month* which could not be distinguished. This postmark, if of November, was on the original letter before the letter of the 12th October could have reached Washington. On the 19th June, after a deliberation of three days, Mr. Edwards amended his own testimony, and then declared that it was possible the letter of the 12th October might have arrived here in time to be answered by one of the 1st November, because it might have been carried by a private conveyance to Louisville, from whence it could have been brought by mail within the required time. In making this amendment to his former answer, Mr. Edwards appears to have forgotten how much he had previously said of the safety of the mail, and the improbability that any thing committed to it should have miscarried; and that Mr. Stephenson could not have felt so much anxiety to despatch a paper which it had required Mr. Edwards's influence to prevail on him to write, as to seek unusual means of hurrying it on by a mode of conveyance never before or after used by him for the conveyance of his official letters to the Department.

Mr. Edwards, however, has asserted that Mr. Crawford's letter of the 20th of April, 1820, was possibly the answer to the one of the 12th of October, 1819. In making this assertion, on oath, Mr. Edwards has not recollected the stress he lays upon the circumstance of the deposites having been withheld till the 31st of December, 1819, as proof that he had advised the Receiver to withhold the deposites; as evidence that the Receiver did write to Mr. Crawford the letter of the 12th October, and that that letter was answered; that, in consequence of that answer, the large sum of $8,191 was paid into the bank. In laying this stress upon the withholding of the deposites, as evidence that Mr. Stephenson was acting by his advice, he had forgotten that he knew (having written Lucy Stephenson's letter of the 18th September, 1819) that the deposites had been withheld for months before he gave the advice, of the giving of which, that withholding is afterwards considered as satisfactory proof. Without weighing the ingenious suppositions made under oath, founded upon a paper not proved to have been seen by the Receiver, differing from his official directions and yet probably influencing him to do what he did not do—withhold the deposites—it will be sufficiently apparent that a letter of the 20th April, 1820, could not be the cause of deposites made in December, 1819, and January and February, 1820; in all which months, notwithstanding the advice Mr. Edwards has sworn he gave the Receiver, deposites were made by that officer, as appears by his accounts in the hands of the Committee, among the documents accompanying the Secretary's communication. The letter of the 20th of April is written, as appears on the face of it, in consequence of the deposites of public money having been partially made. In the Receiver's office at Edwardsville, has been found no letter answering the description of Mr. Edwards, in his testimony in 1823, or which could have been an answer to the paper of which the copy is now produced. Mr. Edwards has stated that he searched the office with the special object of discovering such a document, and that, except what he has produced, none such is to be found.

It is therefore respectfully submitted—

That the paper in the handwriting of Mr. Edwards found on the files of official letters appertaining to and *now in* the Receiver's office, is evidence only that Mr. Edwards wrote such a letter:

That it is not official, although filed in the handwriting of the Receiver; as it is not in his handwriting, nor in that of any person employed in his office, and is not recorded in his letter-book:

That there is no evidence that the Receiver ever carried or sent a copy of it from his office:

That such letter never has been received at the Treasury Department; that no answer is in the Treasury Department, or Receiver's office at Edwardsville, or was ever written to such letter.

Mr. Edwards having declared, in his last address to the committee, delivered on the 19th of June, that he had made no charge against the Secretary, of suppressing the alleged correspondence with Mr. Stephenson, to which his oath of 1823 refers, it might appear superfluous to trouble the committee with these remarks. But, on the very day that Mr. Edwards presented this disclaimer, the alteration in his testimony, heretofore mentioned, was made; and made, too, after the disclaimer was prepared and delivered. The conviction, therefore, is, that Mr. Edwards seeks to leave the stain of this charge on the Secretary, while he intends to avoid, if he can, the responsibility of having made it, and seeks to procure for his own testimony, which is the only testimony in support of it, a degree of respect to which it is not entitled. With this view of his intention, it will not be deemed improper to examine what has been said and attempted by Mr. Edwards on the subject.

In 1823, Mr. Edwards declared, on oath, to the committee of Congress, that he was very much surprised that this correspondence (meaning the alleged letter of Mr. Stephenson, of 12th October, and the alleged answer,) was not communicated by the Secretary, under resolutions of the House of Representatives, of the 9th January and 12th March, 1822, calling for certain correspondence between the Treasury Department and sundry banks.

In his address to the House, on the 6th of April last, he says: "Believing, as I call my God to witness I sincerely and confidently do, that Mr. Crawford did receive the letter mentioned in the above report, and that it is now in his possession, or has been purposely destroyed—" In the same address, he infers that, if this letter was not answered, Mr. Crawford being for some cause or other unwilling to acknowledge the receipt of it, "contrived to give the directions (to continue the deposites) under some other form or pretext than that of a direct answer to it."

In his replication, presented to the committee since the adjournment of Congress, whole pages are occupied by an argument to show that the alleged letter of the 12th October was sent, was received, and was answered. All the officers in the Secretary's office were called, as witnesses, to prove that the letter had been received in 1819, or had been found since the Secretary's report, of 22d March, 1824; and that the Secretary had purposely delayed making that report until Mr. Edwards was about to leave Washington. In all of which, the testimony adduced was conclusive, that neither the charge itself, nor either of the incidents alleged in aggravation of it by Mr. Edwards, was true.

Mr. Edwards argues, too, in his replication, that the Edwardsville Receiver's letter ought, according to Mr. Crawford's own view of the subject, to have been communicated to the House of Representatives, under the beforementioned resolutions, because one other Receiver's letter (the Receiver at St. Louis) had been communicated with his report of the ——, omitting to remember that this was communicated under a call requiring all the correspondence in relation to the Bank of Missouri, which made it his duty to transmit all letters respecting that bank, from whomsoever received.

In his testimony, now taken before the committee, Mr. Edwards declares he believes that, in 1819, the Secretary might have conceived the idea of concealing the letter of Mr. Stephenson, if it had been received, to screen himself from responsibility, if the Bank of Edwardsville afterwards failed, an event which, although he did not anticipate, he might have apprehended. In the same testimony, when compelled to admit that a letter could not have arrived, by mail, from the 16th of October to the 1st of November, 1819, he added, to that admission, an insinuation, on oath, that the letter of the Secretary was antedated, or retained, until the arrival of the alleged letter of the 12th October, 1819. After the testimony of Mr. Sweeny was given, instead of disavowing this insinuation, he was silent, and, three days afterwards, adds to that part of his testimony that from which it might be inferred that the letter of the 12th of October was sent, by private conveyance, to Louisville, and thence, by mail, to Washington.

All these declarations, and the publication of Mr. Edwards, at Louisville, in which he asserts that he has the most irresistible proof that the Receiver at Edwardsville did write the letter mentioned in his examination, and that Mr. Crawford did write a letter to the Receiver, directing him to continue the deposites in the Bank of Edwardsville, make it necessary that it should be distinctly brought before the committee. That Mr. Edwards, in different parts of his testimony, contradicts himself; that his testimony of 1823 does not agree with the testimony taken before the present committee; that his statements, in his addresses to the committee, are contradictory to each other; that his statements, now given on oath, show that the impressions which his addresses were intended to make, were as he knew, unfounded; that he voluntarily declared, in the most emphatic manner, to different persons, that he was not the author of various publications against the Secretary, which he now acknowledges to have written; and finally, that he was, as admitted by himself, a party to a material alteration in a paper, produced by himself, purporting to be a copy of a paper appertaining to, and now in the Receiver's Office, at Edwardsville; an alteration, the obvious effect of which was to deceive the committee and the public, as to the character of the original, from which the copy was taken.

It is, therefore, respectfully submitted, that nothing, affecting the Secretary, and depending upon the oath of Mr. Edwards, can be taken as proved.

Hon. John Floyd, *Chairman, &c.*

Unprepared, at present, to defend myself against the testimony of the Hon. Mr. Noble, by which I have been perfectly surprised, I have been compelled to look to a future period for that purpose. Lest, however, some erroneous inferences to my prejudice may be drawn from the want of a formal defence on this subject before the Committee, I do most solemnly declare before God and my country, that, in the conversation which Mr. Noble states to have passed between him and myself, whensoever or wheresoever any part of it may have happened, he must, at least, have greatly misunderstood me, both in regard to the A. B. publications, and to Mr. Crawford; and that, if the conversation alluded to, or any part of it, happened, as he says it did, in his own room, it must have been after my nomination was confirmed by the Senate.

It will be recollected that Mr. Noble, disclaiming all party considerations, had professed to be my friend, and had taken "an active part" in favor of the confirmation of my nomination; of which, he proves, I was well apprized. It would, therefore, have been most extraordinary, that I should have thought it necessary to have made such statements to him, by which nothing was to be gained, and that I should have totally forborne to make them to any other Senator.

Nor can it be considered less strange, if those statements were made to him during the pendency of my nomination, that he, with all his zeal in my favor, and acting in direct opposition to the wishes of his political friends, should never, either with a view to aid me, or to justify himself, have given the slightest intimation of such conversation as he represents to have passed between us, to any one of those gentlemen whom it was calculated to conciliate, and from whom opposition was expected.

As to the conversation he mentions in regard to Mr. Crawford, it alludes to some facts which happened before I became a member of Congress, and of which I had no knowledge until since the commencement of the present controversy.

The very professions of gratitude which he says I made to him, would apply with much more force and propriety to a period after, than before, the confirmation of my nomination; and, from the nature of the case, they would seem to have been predicated upon a disinterestedness on his part, which was the more highly appreciated, because it overlooked the circumstances of his friendship and my hostility to Mr. Crawford, which is at war with the whole statement he has made, concerning my opinion of the conduct of that gentleman.

That Mr. Noble may have misunderstood me, I will not attempt to gainsay. But, as I hope for future happiness, I never did intend to have expressed myself to him, or any other person, so as to have conveyed the opinion and sentiments which he has imputed to me; nor can I account, by any thing within my own knowledge, for such great misapprehensions.

My object, however, is not now to present an argument upon the case, but simply to request the committee to accept of this as my denial of Mr. Noble's testimony, and to have it printed with my other communications to the committee.

NINIAN EDWARDS.

June 21, 1824.

APPENDIX

TO THE HISTORY OF THE EIGHTEENTH CONGRESS.

[FIRST SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

CONDITION AND PROSPECTS OF THE GREEKS.

[Communicated to the House, December 31, 1823.]

To the House of Representatives of the United States :

I transmit to the House of Representatives a report from the Secretary of State, with accompanying documents, containing the information requested by the resolution of the House, of the 19th instant, relating to the condition and future prospects of the Greeks.

JAMES MONROE.

WASHINGTON, *December* 31, 1823.

DEPARTMENT OF STATE,
Washington, Dec. 31, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the United States, of the 19th instant, requesting the President of the United States to lay before the House any information he may have received, and which he may not deem it improper to communicate, relating to the condition and future prospects of the Greeks, has the honor of reporting to the President the papers in the possession of this Department, containing the information requested by the resolution of the House.

JOHN QUINCY ADAMS.

LIST OF PAPERS SENT.

Extract of a letter from Mr. Forsyth to Mr. Adams, dated 13th December, 1822—with
Note, dated Corinth, 8th [20th] April, 1822—translation.
Note, Mr. Luriottis to Don Evaristo San Miguel, dated 21st November, 1822—translation.
Mr. Rush to Mr. Adams, 24th February, 1823—copy.
Mr. Luriottis to same, 20th do. do.—copy.
Mr. Adams to Mr. Rush, 18th August, do—copy.
Same to Mr. Luriottis, 18th do. do.—copy.
Extract of a letter to Secretary of State, dated Marseilles, 6th August, 1823.
Extract of a letter to Secretary of State, dated Marseilles, 27th August, 1823.
Statistical table of Greece—translation—original copy received from Mr. Middleton.

Extract of a letter from Mr. Forsyth to the Secretary of State, dated Madrid, December 13, 1822.

"The Greeks have an agent in this Peninsula Luriottis. He was here a fortnight, asking aid of money, which he did not receive. Indeed, he left this, disgusted with the coldness with which he was treated by San Miguel. He has gone to Lisbon, with sanguine hopes of meeting, if not aid, at least kinder treatment. I enclose to you copies Nos. 1 and 2 of an official statement, made for him in April last by his Government, of the state of their affairs, and of his letter to the Spanish Government. We have favorable news from the Greeks, from various sources. The Albanians are now their allies ; they have again been successful, by sea, against the Turks, and the best hopes of their ultimate and complete triumph are entertained.

[TRANSLATION.]

Department of Foreign Affairs—No. 66 of the protocol.

View of the present state of Greece.

The most cruel of tyrannies, of exactions without number, induced the Greeks to a just revolt. Their first operations were attended with some successes, which were of very little consequence, owing to the want of union among themselves. Some particular governments were established, but they did not answer the purpose which was intended. Then the deputies of the nation were called together at Epidamus, for the purpose of establishing an Organic law. This assembly, of which Prince Mavrocordato was President, after a month of deliberations, fixed the mode of a provisional government, the duration of which was to be one year.

After the dissolution of this assembly, the Government which had been formed in it was proclaimed, and recognised in the Islands, the Peloponnesus, and the Continent. The people being satisfied, submitted with joy to its decisions, and order and justice succeeded to violence and anarchy.

The authority of this Government acquires, every day, new strength, and it may be hoped that, soon, Greece, regenerated by the benefits of a wise and paternal administration, will show herself worthy of its independence.

By the efforts of its defenders, the Peloponnesus will be no more polluted by the presence of its oppressors. Four fortresses, Patras, Coron, Modon, Napoli de Romani, only remain in the power of the Turks; and the hour of their fall approaches. Napoli de Romani is about to follow the example of Corinth, which surrendered at discretion, and the other places are about to be entirely deprived of provisions and munitions, by the flight of the Turkish fleet. This fleet having left the Dardanelles, in the month of February, was favored by the winds, which prevented their passage of the Archipelago from being disputed. But at Navarino the Greeks, seconded by the ability of General Lenormand, and by the courage of some European officers, who were shut up there, rendered the projects upon that place abortive; this, doubtless, compelled it to go against Patras, and there effect the landing of the troops, which it had on board. It was after this operation that it was encountered by the naval forces of the Greeks. The Turkish fleet, beaten, pursued, and entirely dispersed, was obliged to seek refuge towards the coast of Egypt, where it was surprised by a tempest, in which it lost four frigates and two brigs. All the crews of these ships, and the commander of the squadron, Ismael Gibraltar, were drowned. It was also obliged to abandon, on our coasts, several transports loaded with provisions, destined for the army which came to be landed.

This army, composed of four thousand men, weakened every day by the diseases and dissensions which have sway in it, takes refuge under the cannon of the fortress of Patras, into which entrance has been refused it. There, blockaded on one side by a Greek squadron, and on the other harassed, night and day, by the troops of General Colocotroni, it will prove, by its total annihilation, that every effort will always be vain, against a people which wishes for its liberty, cost what it will.

In Attica, the fortress of Athens alone is in the power of the Turks, and the bombardment of it, to which a fortunate issue is expected, commenced several days ago.

Bœotia, Phocis, and Locris, have driven out the enemies of their beautiful provinces. The Government is very seriously occupied with the means of possessing itself of Zitonny, where there is still a body of the Turkish army, in order to enable it to cause the troops in Thessaly to advance simultaneously with the general movement of the inhabitants of Mount Olympus, a bold and warlike people, and render the position of the enemy more critical.

The defiles of Pindus being in our possession, all communication between the rest of Turkey and Thessaly, and all retreat for the enemy's army, that shall then be in this province, will be immediately, from that time, impossible. All Etolia, Epirus, and almost all Arcania, are in the power of the Government, with the exception of some places which are under a rigorous blockade.

I have now to speak of Albania. What will be its relations with us? The future alone can resolve this important question; and the well known character of this people does not permit the calculation of events from probabilities; sometimes neuter and sometimes partisans, by turns our allies and enemies, which they have practised to the present time, passing in appearance from one party to another, without really serving the interests of that which they had adopted. The death of Ali Pacha has produced little effect. The Turks, proud of this success, which they owe only to the treachery of the very soldiers of this Pacha, have appeared to take courage; but, being repulsed at Wonizza, they appeared to have almost abandoned their attempts. Such is the situation of affairs in the Peloponnesus and on the continent.

Almost all the Islands being free, have submitted to the Government, and cause the Greek flag to be respected in the Archipelago. At Chios, six thousand Samiotes have landed, to favor the independence of that island, and have shut up the Turks in the fortress. Mitylene in a short time will have shaken off its yoke, and Candia still combats, with advantage, against superior forces; but the known valor of its inhabitants, and the justice of their cause, will make up for number.

At the moment I am writing, the news of the victory obtained over the Turks at Riguassa, comes, to be communicated to the Government; four hundred of the enemy remain upon the field of battle, and the rest of their army has been put to flight. The Suliotes, by their accustomed bravery, have covered themselves with glory.

More recent news come to inform us of more new successes; Colonel Ulysses, with fifteen hundred men, landed on the 1st of April at Helisa; after an obstinate battle against forces superior in number, he became master of the village, as also of the port of St. Marine, pursued the enemy to Zitonni, killed three hundred men, and made some prisoners. General Niketa, commander of the Peloponnesian troops, joined his operations to those of Colonel Ulysses, and, from every thing, it is believed they have already entered Zitonni. Colonels Mitzi, Kondojanni and Skalzodini advanced upon Patradjik, and have gained some advantages. Of the body of the Greek army, composed of ten thousand men, who act from this side to the centre, commanded by Colonel Panvurja, supported by Miezatis, the right wing is formed by the troops of General Eritika and of Colonel Ulysses, and its left wing by those of Colonels Kondojanni and Skalzodini.

A new fleet is just gone from Constantinople; it is composed of vessels of different sizes; it has attempted a landing on the island of Chios, but, repulsed with loss at that point, it has retired.

The Secretary of State and Minister of Foreign Affairs, TH. NEGRIS.
The Secretary General, V. GALLIVA.
CORINTH, *the* 8*th* [20*th*] *April*, 1822.

[TRANSLATION.]

Note of Mr. Luriottis, Agent of the Greeks, at Madrid, to his Excellency Evaristo San Miguelo, Secretary of the Despatch of State of His Catholic Majesty.

May it please your Excellency:

If there is a time when the principles ought to be revived, which an unfortunate, but very celebrated philosopher of France, published in 1793, "That the men of all countries are brothers, and the different nations ought mutually to assist each other according to their power, as citizens of the same State:

"That those who make war on a people for the purpose of arresting the progress of liberty, and destroying the rights of man, ought to be every where pursued, not as ordinay enemies, but as assassins and rebellious robbers:

"That tyrants, whoever they may be, are slaves revolted against mankind, the sovereign of the earth, and against nature, the legislator of the universe:"

And if there is a nation, in whose favor these principles ought to be applied, it is, doubtless, Greece, at the present time. It is not intended, here, to press the rights which the Greeks have to the being recognised by the civilized nations of Europe, for the lights which their ancestors have given them in liberal sciences, arts, legislations, and in true models of men, illustrious for their love of country; and still less the most evident rights which they will now have to shake off the Mussulman yoke, with which any of the despotisms, against which the other nations of Europe contend, could not be compared. It will be sufficient only to remark, that Greece, victorious and free, is the most certain security of the liberties of the Spanish peninsula:

Because, from the certain liberty in Greece, necessarily flows that of Italy, which is enslaved, if I may be allowed the expression, between the Peninsula and the new Grecian States:

Because, the establishment of a free State, raised in Greece, upon the ruins of the legitimate Ottoman power, at the time when open war has been declared between the people and the despots, as between the principles of light and the principles of darkness, ought to result in the annihilation of this Empire of the Crescent, and, consequently, that of its accessaries, Tunis, Tripoli and Algiers; and, the Greeks being once masters of the Egean Sea, these three pirates will be no more able to recruit their bands of assassins in Albania, at Smyrna, and at Constantinople; and they will there lose their forces, which have been always restless, and even now, Spain, and the increase of this moral fire, which the legitimates call pest, which ought to deliver Germany from despotism, and encourage the French to resume their ancient post in the career of liberty; and because, in fine, this will only be after the accomplishment of these prophecies, that this peninsula will be left sufficiently tranquil at home and abroad to be able to reckon upon its consolidation of its liberty, which has cost, and does every day cost, it so many sacrifices of every kind.

Spain has no real need of succor from any other nation for maintaining itself a State free and independent.

The courage, the heroism of her children, are, in every respect, a proof; but the despotism, to succeed in its liberticidal projects, does not always please to excite, to irritate this valor. It is sure of its triumph, provided that it should succeed in keeping alive the fire of civil discord. Even the most courageous people feel themselves fatigued of so trifling, yet continued a war, and often, after the torments of despotism, they have recourse to this as to a guardian angel; preferring the future, but little felt evil, to the present; and tranquillity, although cadaverous, to a struggle which leaves them no repose—at this very moment, Spain makes trial of a part of this sad truth. The insulating, therefore, of a nation which wishes to be free, is, in the times wherein we live, the most impolitic measure which she can adopt.

Despotism has formed and published its alliance; and has, if I may be allowed the expression, hurled a formal defiance at the nations that wish to maintain or to recover their liberties. It insults them all, because it is conscious of its power to vanquish them, either by the force of hireling bayonets, with which it inundates them, or by the silent manœuvres which organize civil war, the division and quarrels of parties with which it harasses them. It is, therefore, necessary to oppose to this alliance of tyrants, that of the nations who have achieved their liberty.

If, for a nation to be free, the will of being so were sufficient; if, what gives the disposition, insured equally success; if, in fine, the valor of a people were a sure guarantee of success, Greece and the Greeks would not this day doubt of their triumph. The modern Greeks have already, in more than one engagement with the Turks, shown themselves worthy successors of the Greeks of Marathon, of Thermopylæ, of Salamis, of Strimon, of Cnidus, &c., but they want men, for frightful despotism capriciously destroyed them, and of it population has never been an accompaniment. They want money, because it would have been the price of their head to have been rich. They want arms, powder, lead; because no despotic government leaves these at the mercy of slaves; and because the struggle which the Greeks have so long maintained, has consumed the provisions which their bravery and the small succors brought by the foreigner had procured them. Yet, they still continue, in more than one place, to fight, and defend themselves against the Turks, with inferior weapons.

They have abundance of lands and national property: for three-fifths of the territory belonged to the Mussulmans, as the price of confiscations made after cutting off the heads of opulent Greeks; but these lands, this property, are nothing at the present moment, when the Greeks ought to handle the musket instead of the plough, when money is wanting, and when the public credit is not yet established.

The Greeks will never return under the Ottoman yoke. But, in continuing a struggle so unequal, without other support, without other succor, they will all perish. What is the use of liberty in the tomb? What the advantages which Spain, Italy, and Europe, panting after liberty, can expect from a triumph over the Greeks?

The United States of America, after having sustained, with equal courage, and at equal sacrifices, their cause of Independence, against a despotism much less dreadful, owed their triumph to the protection of a European Power. Why should not Greece rely upon some protector among the free States of that same part of the world to which she belongs? By what fatality is she persecuted by the Government of England, which ought to be the father of free nations, and forgotten by those Governments which profess the same principles which she has just proclaimed?

The Greeks have till now been flattered by a number of private associations who came to their aid, but no Government has as yet partaken of this generous enthusiasm; and yet the succors, as well moral as physical, which are necessary for them, cannot be afforded them but by Governments.

There is some reason to believe that the Government of Corinth has opened some negotiation with the said United States of America. May these States pay, in favor of Greece, the tribute of recognition which they owe to Europe for the liberty which they know so well how to enjoy.

The same Government, which leaves nothing untried which may conduce to the triumph of the holy cause which it directs, cannot forget to address itself to magnanimous Spain, to a nation which, more than every other, shows to the universe that she feels all the value of liberty and independence, to a Government which, each day, ought to be more persuaded that the allied despotism aims, and will aim, more or less, openly, but always obstinately enough, at the consolidation of its present system. As to politics, the before cited Wicqueford says that the infallible means of vanquishing one's rivals in diplomacy, is to be frank, because he is sure of not meeting them in his way.

If, then, Spain can believe it to be to her advantage to recognise, and to protect, and to succor the Government of Corinth, what measure, what conduct, has she to pursue towards the other Governments, which have never openly pronounced against the Hellenic revolution?

The undersigned is not authorized to speak upon this article. He is only commissioned, in general, to solicit every species of succor which the Spaniards can send to the Greeks, either in money, or arms, powder, lead, men, ships, frigates, brigs, &c., of war.

But he knows how far, among the generous succors, the article of a like moral aid would preponderate. Interested for his country, he confines himself to the making the rough draught, and to offer up prayers that the Spanish Government would be pleased to send some one to Greece, to treat upon this important subject, and upon all the others which might be necessary, and of great utility to Spain.

In the meantime, upon the point of physical succor, the undersigned has the honor to observe to your Excellency, that the question is not respecting a donation, but only respecting a loan, and that the responsibility of a free Government in Greece is beyond all the wants and those which it will have to fulfil to arrive at its consolidation.

That small succors are also useful to the Greeks in their present situation, because every little thing becomes a great deal to one who is pressed by want.

That the manner of carrying them into Greece, and securing the reimbursement, is left to the will of the Spanish Government.

That the greatest secrecy ought to be observed in all that Spain wishes to do, as a Government, in favor of the Greeks, in order that the diplomatic spies may not try to perplex it, and may not succeed in rendering it abortive.

That, finally, in the absence of the persons to whom the undersigned had letters to deliver here at Madrid, on the part of Prince Mavrocordato, of the Minister of Foreign Affairs, Negri, and of the Bishop Ignatius of Pisa, that they would be pleased to support their requests as well before the Government as before the brave Spanish patriots, it was, doubtless, a happiness for the undersigned to have met here a Minister so eminently well affected, and a Minister of Foreign Relations so liberal as your Excellency, to whom he can directly address himself in the two-fold aim mentioned, and in the accomplishment of his mission.

Your Excellency's most obedient and most humble servant,

LURIOTTIS.

MADRID, *November* 21, 1822.

Extract of a Letter from Mr. Rush to Mr. Adams, dated

LONDON, *February* 24, 1823.

"I received, the day before yesterday, a paper, of which a copy is enclosed, addressed to you, by Andreas Luriottis, an agent or deputy from Corinth, on behalf of the cause of the Greeks."

It will be perceived that, after describing the general nature of the revolution now going on in Greece, the object of the paper is to solicit aid of the United States, and the establishment of diplomatic connexions with them.

This gentleman, who has recently arrived in London, brought me a letter of introduction from General Dearborn, at Lisbon, and I received him in a manner due to the interesting character which he bears. I assured him that the fortunes of his country were dear to the people of the United States, who, cherishing the freedom which they themselves inherited and enjoyed, looked with the warmest sympathy upon the struggle of the Greeks for their national liberties; and that the Government of the United States participated in this feeling. Of the latter, I considered the late mention of the subject by the President, in his Message to Congress, at the opening of the session, as the authentic proof.

To the inquiries of Mr. Luriottis, whether my Government would open political or diplomatic relations with his, at the present day, I replied, that this formed a point on which I was wholly uninformed, and could not undertake to give my opinion. That it involved considerations of expediency, as applicable to the United States, as well as of advantage, or otherwise, as applicable to the Greek cause itself, that would be maturely weighed at Washington, before any decision could be pronounced. All that I could say, was, to reiterate the assurance of the friendly interest that was felt amongst us, for the success of the cause in which his country was embarked; and I adverted to the part which my Government had acted, in relation to the South American struggle—a part so much in advance of that of any other Government—as a sure indication that it could feel no backwardness in welcoming, when the proper day arrived, the new-born freedom of Greece, into the family of nations. In the end, I informed him that I would gladly become the organ of transmitting to my Government whatever distinctive overtures or communication he might determine to make to it—a request which, in the course of our conversation, he had himself made of me. These overtures he has set forth in the paper enclosed.

Mr. Luriottis dwelt with confidence upon the advances which his country has made in the career of her independence—advances the more solid and encouraging, as they have been won amidst formidable difficulties, by the mere unassisted efforts of her own valor and constancy. Since the capture of Napoli de Romania, the strongest fortress which the Turks had in the Morea, he seemed to consider that the cause of independence was placed upon a sure basis. The Greeks, since this event, have removed the seat of their Government from Corinth, where it was fixed at first, to Napoli."

Andreas Luriottis, Envoy of the Provisional Government of Greece, to the Honorable John Quincy Adams, Secretary of State to the United States of America.

SIR: I feel no slight emotion, while, in behalf of Greece, my country, struggling for independence and liberty, I address myself to the United States of America.

The independence for which we combat, you have achieved. The liberty to which we look, with anxious solicitude, you have obtained, and consolidated in peace and in glory.

Yet Greece, old Greece, the seat of early civilization and freedom, stretches out her hands imploringly to a land which sprung into being, as it were, ages after her own lustre had been extinguished, and ventures to hope that the youngest and most vigorous sons of liberty will regard with no common sympathy the efforts of the descendants of the heir and the elder born, whose precepts and whose examples have served, though insufficient hitherto for our complete regeneration, to regenerate half a world.

I know, sir, that the sympathies of the generous people of the United States have been extensively directed towards us; and since I have reached this country, an interview with their Minister, Mr. Rush, has served to convince me more strongly how great their claim is on our gratitude and our affection. May I hope that some means may be found to communicate these our feelings, of which I am so proud to be the organ? We still venture to rely on their friendship; we would look to their individual, if not to their national co-operation. Every, the slightest assistance, under present circumstances, will aid the progress of the great work of liberty; and if, standing as we have stood, alone and unsupported, with every thing opposed to us, and nothing to encourage us but patriotism, enthusiasm, and, sometimes, even despair; if thus we have gone forward liberating our provinces, one after another, and subduing every force which has been directed against us, what may we not do with the assistance for which we venture to appeal to the generous and the free?

Precipitated by circumstances into that struggle for independence which, ever since the domination of our cruel and reckless tyrants, had never ceased to be the object of our vows and prayers, we have, by the blessing of God, freed a considerable part of Greece from the ruthless invaders. The Peloponnesus, Etolia, Carmania, Attica, Phocida, Bœotia, and the islands of the Archipelago, and Candia, are nearly free. The armies and the fleets which have been sent against us have been subdued by the valor of our troops and our marine. Meanwhile, we have organized a Government founded upon popular suffrages, and you will probably have seen how closely our organic law assimilates to that Constitution under which your nation so happily and so securely lives.

I have been sent hither by the Government of Greece to obtain assistance in our determined enterprise, on which we, like you, have staked our lives, our fortunes, and our sacred honor; and I believe my journey has not been wholly without success. I should have been wanting to my duty had I not addressed you, supplicating the earliest display of your amicable purposes; entreating that diplomatic relations may be established between us; communicating the most earnest desire of my Government that we may be allowed to call you allies as well as friends; and stating that we shall rejoice to enter upon discussions which may lead to immediate and advantageous treaties, and to receive as to expedite diplomatic agents without delay. Both at Madrid and at Lisbon I have been received with great kindness by the American representative, and am pleased to record the expression of my gratitude.

Though, fortunately, you are so far removed, and raised so much above the narrow politics of Europe as to be little influenced by its vicissitudes; I venture to believe that Mr. Rush will explain to you the changes that have taken place, and are still in action around us in our favor; and I conclude, rejoicing in the hope that North America and Greece may be united in the bonds of long-enduring and unbroken concord, and have the honor to be,

With every sentiment of respect, &c.,

AND. LURIOTTIS.

LONDON, *February* 20, 1823.

Mr. Adams to Mr. Rush.

DEPARTMENT OF STATE,
Washington, August 18, 1823.

SIR: I have the honor of enclosing, herewith, an answer to the letter from Mr. Luriottis, the agent of the Greeks, addressed to me, and a copy of which was transmitted with your despatch, No. 295.

If, upon the receipt of this letter, Mr. Luriottis should still be in London, it will be desirable that you should deliver it to him in person, accompanied with such remarks and explanations as may satisfy him, and those whom he represents, that, in declining the proposal of giving active aid to the cause of Grecian emancipation, the Executive Government of the United States has been governed, not by its inclinations, or a sentiment of indifference to the cause, but, by its constitutional duties, clear and unequivocal.

The United States could give assistance to the Greeks only by the application of some portion of their public force or of their public revenue in their favor, and it would constitute them in a state of war with the Ottoman Porte, and perhaps with all the Barbary Powers. To make this disposal either of force or of treasure, you are aware, is, by our Constitution, not within the competency of the Executive. It could be determined only by an act of Congress, which would assuredly not be adopted, should it even be recommended by the Executive.

The policy of the United States with reference to foreign nations has always been founded upon the moral principle of natural law—*peace* with both belligerents. From whatever cause war between other nations, whether foreign or domestic, has arisen, the unvarying law of the United States has been *peace* with both belligerents. From the first war of the French revolution to the recent invasion of Spain, there has been a succession of wars, national and civil, in almost every one of which *one* of the parties was contending for liberty or independence. To the first revolutionary war, a strong impulse of feeling urged the people of the United States to take side with the party which, at its commencement, was *contending*, apparently, at least, for both. Had the policy of the United States not been essentially pacific, a stronger case to claim their interference could scarcely have been presented. They nevertheless declared themselves neutral, and the principle then deliberately settled has been invariably adhered to ever since.

With regard to the recognition of sovereign States, and the establishment with them of a diplomatic intercourse, the experience of the last thirty years has served also to ascertain the limits proper for the application of principles, in which every nation must exercise some latitude of discretion. Precluded, by their neutral position, from interfering in the question of right, the United States have recognised the *fact* of foreign sovereignty, only when it was undisputed, or disputed without any rational prospect of success. In this manner, the successive changes of Government in many of the European States, and the revolutionary Governments of South America, have been acknowledged. The condition of the Greeks is not yet such as will admit of the recognition upon these principles.

Yet, as we cherish the most friendly feelings towards them, and are sincerely disposed to render them any service, which may be compatible with our neutrality, it will give us pleasure to learn, from time to time, the actual state of their cause, political and military. Should Mr. Luriottis be enabled and disposed to furnish this information, it may always be communicated through you, and will be received with satisfaction here. The public accounts from that quarter have been, of late, very scanty, and we shall be glad to obtain any authentic particulars which may come to your knowledge, from this, or through any other channel.

I am, with great respect, &c.,

JOHN QUINCY ADAMS.

RICHARD RUSH, *Envoy, &c., at London.*

Mr. Adams to Mr. Luriottis.

DEPARTMENT OF STATE,
Washington, August 18, 1823.

SIR: A copy of the letter which you did me the honor of addressing to me, on the 20th of February last, has been transmitted to me by the Minister of the United States at London, and has received the deliberate consideration of the President of the United States.

The sentiments with which he has witnessed the struggle of your countrymen for their national emancipation and independence, had been made manifest to the world in the public Message to the Congress of the United States. They are cordially felt by the people of this Union; who, sympathizing with the cause of freedom and independence, wherever its standard is unfurled, behold with peculiar interest the display of Grecian energy in defence of Grecian liberties, and the association of heroic exertions, at the present time, with the proudest glories of former ages, in the land of Epaminondas and of Philopœmon.

But, while cheering with their best wishes the cause of the Greeks, the United States are forbidden, by the duties of their situation, from taking part in the war, to which their relation is that of neutrality. At peace themselves with all the world, their established policy, and the obligations of the laws of nations, preclude them from becoming voluntary auxiliaries to a cause which would involve them in war.

If, in the progress of events, the Greeks should be enabled to establish and organize themselves as an independent nation, the United States will be among the first to welcome them, in that capacity, into the general family; to establish diplomatic and commercial relations with them, suited to the mutual interests of the two countries, and to recognise, with special satisfaction, their constituted state in the character of a sister Republic.

I have the honor to be, &c.,

JOHN QUINCY ADAMS.

Andreas Luriottis,
Envoy of the Provisional Government of the Greeks, London.

Extract of a letter to the Secretary of State, dated Marseilles, August 6, 1823.

"I have endeavored to obtain accurate information relative to the actual state of the struggle between the Greeks and the Ottomans. The following particulars, I think, may be relied on. The Porte is making great preparations by land to bring the war to a successful conclusion. The Turkish fleet has succeeded in provisioning, for a year, the garrisons of Carysto, in Negropont, Canée, the capital of Candia, (or Crete,) and also *Coron*, Modon, *Patras*, and Corinth, in the Morea. The two last places have been repeatedly and incorrectly represented, in the American newspapers, as having long since surrendered. The Porte has offered the Greeks, through the mediation of Lord Strangford, to place the Morea on the same footing as the provinces of Wallachia and Moldavia; i. e. to place it under the government of a Greek Prince, who should have the entire administration of the affairs of the province, and who should annually pay a certain portion of its revenues into the treasury of the Porte. The British Ambassador, in order to induce the Greeks to accept these terms, has dispersed among them a declaration, that they are not to expect aid from any of the European Sovereigns. On the other hand, the Greeks do not seem as yet disposed to peace, but are making preparations to resist, as they may, the forces which are approaching them on all sides. Such was the state of things by the last advices."

Extract of a letter to the Secretary of State, dated

"Marseilles, *Aug.* 27, 1823.

"There is no certain intelligence from Greece later than that contained in a letter I had the honor to forward to you a fortnight since. The Turkish Admiral was, fifteen days ago, in the neighborhood of Patras, where he had landed five thousand men. The Smyrna Gazette reports, that the main Turkish army, 60,000 strong, had obtained, after some hard fighting, possession of the defiles of Thermopylæ, but this as yet is not confirmed."

[Translation.]

Statistical Table *of Greece, according to the work of* Mr. Pouqueville. *Original received from Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States at St. Petersburg.*

[N. B. * This mark indicates the cities and provinces freed since 1821, and at present in submission to the National Congress of Corinth.

† Indicates the countries in insurrection.

‡ Indicates the cities and forts besieged by the Turks.]

Greece may be apportioned into three grand divisions—continental Greece,† the isthmus of Peloponnesus,* and the islands.

Continental Greece.—It contains seven provinces, which are—Epirus,† Macedonia,† Thessaly,† Acarnania,* Etolia,* Locris,* Phocis,* comprehending Livadia.†

Epirus† has an extent of 1,100 square leagues of 2,500 toises. The population is estimated at 373,000 souls. Its principal cities are Janina, Zagori, Conitza, Prémithy, Cleissoura, Condessi, Canina, Tebelen, Aulone, (a port,) Bérat, (a fortress,) Elbassan, Durazzo, (a fort,) Argyro Castron, Liboro, Delvino, (fortified,) Conispolis, Paramythia, Gomenitza, (a port,) Margariti, Parga, (a fort,) Regniassa, (a fort,)* Preresa, (a port and fort,) Souli, (a fort,)* Arta, (a fort and seaport,) Calarites,* Metzowo,* Syraco, &c.

The rivers which pass through Epirus in different ways, are the Voioussa or Aous, the Calamas or Thyamis, the Glykys or Acheron.

The country generally is mountainous, intersected with large valleys; its aspect is various, and may be said to present an abridgment of all the climates; it abounds in cattle, and in rich pastures. The articles of exportation consist of grain, of sheep and goats, of building timber, cotton, wool, pitch, wax, tobacco; and some mountains of Epirus contain mines, which the Government neglect to explore, and which the Christian inhabitants dare not discover, fearful of being themselves buried in these mines, to gratify the cupidity of their masters.

The principal seaports of Epirus are—L'Arta, Aulone, Prevesa, Vonitza, Port Palarme, Porto Raguzeo, Gomenitza, Durazzo. The value of wares and foreign productions imported by these ports was, in the year 1812, 6,590,902 piastres; the exportation, during the same year, was 7,804,063 piastres. The Epirotes are, in general, warlike, and of a robust constitution, impatient of the yoke, and proud, in spite of the dependence in which they live; shepherds rather than agriculturists, they almost all carry arms, and prefer to inhabit the mountains, and the situations most difficult of access. Divided into colonies, and long governed by the feudal administration of the Beys, they have seen, too late, all these partial tyrannies united into one only, and the most monstrous of all, that of Ali Pacha of Jannina. In the midst of the chaos of the administration of this Vizier, it may be calculated that Epirus paid annually to the Grand Seignor a tribute of two millions of piastres, and that Ali received for himself ten other millions, without including the revenues of his sons, the advances and spoliations of every kind to which this province was exposed.

Macedonia,† divided into Illyrian and Cisaxian, has an extent of 1,692 square leagues. Its population may approximate to 436,000 inhabitants. Its most remarkable cities and towns are—Bitolia or Monastir, Prilipé, Cojani, Delvendos, Flourina, Cailary, Castoria, Greveno, Lepsini, Bichlistas, Croupitcha, Piassa, Gheortelia, Staria, Prespa, Critchowa, Ochrida, Chiatista, Veria,* or Karaveria, Jenidjé, Salonica.

The rivers which water Macedonia are the Vardar or Axius, and the Bichlista or Haliæmon. This province abounds in small cattle, corn, wines, cotton, and tobacco.

The Macedonians are agriculturists and merchants. The merchants of Bitolia, of Castoria, of Chatista, and of Salonica, have frequent correspondence with the commercial places of Europe; they send caravans to Bosnia and Hungary. The Macedonians, as well as the other nations of Greece, partake of their Hellenic origin; they are brave and considerate. Numerous Bulgarian and Albanian colonies are established in this province, actually divided into cantons, and subject to the destructive administration of the Pachas of Romelia and their subordinates.

Thessaly† contains, within an extent of 516 square leagues, 275,000 inhabitants; there are reckoned 962 villages, and the following cities: Tricala, (the chief place, and residence of a Pacha,) Klinoro, Stagous, Pharsalia, Larissa, Alasson, Rapchana, Tournovo, Platamon, (a fort,) Caterin, Agia, Velestina, Dechani, Volo, (a port,) Armyros, Thaumaco. Thessaly, watered by the Peneus, and by several other rivers, tributaries of that river, is one of the most fertile countries of European Turkey: it produces corn, silk, cotton, tobacco, and, until the year 1810, the manufactories of Tournovo, of Ambelakia, and of Agia, sent abroad dyed cottons, stuffs, and woollens, to the amount of several millions; the Greek merchants of these cities had factories in Germany. The seaport of Volo, situated on the gulf of the same name, favored the exportation of the grain which the sailors of Idra, and of other islands, came there to load. The natives of Thessaly vary in their character, and their occupations, according to the places which they inhabit; industrious and submissive in the cities, laborious and peaceful husbandmen in the country, intrepid sailors in the cantons situated near the sea, they are bold and independent in the mountainous regions. Numerous bands of these mountaineers go from Olympus, from Ossa, and from Mount Pelion, and having at their heads enterprising chiefs, sometimes contend with the forces of the Pacha of Epirus, and of Romelia; They have even possessed themselves of several cities of Thessaly, and defended them for years. Worn out with efforts, disappointed in their hopes, and deprived of their brave chiefs, they retired to their mountains, where they still form a population warlike and independent.

Acarnania* has an extent of 92 square leagues, and 8,635 inhabitants; the remains of a population formerly flourishing. There are still reckoned there sixteen cities and villages, the most remarkable of which are, Vonitza, Catona, Dragomestre, and Catochi, (a seaport.) This province, which made a part of the Government of Ali Pacha, and which has undergone all the torments of his administration, presents only ruins and solitude. It, nevertheless, carries on a feeble commerce with the Ionian Islands and the Ambracian or Artan Gulf; its inhabitants keep up the fisheries in the same gulf, as well as on the numerous lakes in the interior of the country.

In this province, as in all the continent of Greece, there are found, in the declivities of mountains, hamlets and villages inhabited by men, who, flying from oppression, and striving to insulate themselves wherever they find a savage nature. Masters of the defiles which form the passage between Epirus and the southern provinces of Greece, the mountaineers of Acarnania can interrupt the communication between these two provinces, and oppose, with success, the movements of an army which might try to advance from this side towards Etolia and the Morea. Some cantons of this province are, at this day, entirely uncultivated and depeopled; others are covered with forests and barren grounds, which only want strength to be converted into productive lands.

Etolia,* separated from Acarnania by the river Aspropotamos or Achelous, contains, in its present subdivisions, four cantons, and 83,455 inhabitants, distributed among 236 towns and villages, the principal of which are: Vrachori, Carpenitze Agrapha, Missolonghi, (a port,) Lepante‡ or Naupacte, (a fort, and residence of a Pacha.) This province produces grain, rice, oil, silk, and wine. These productions, added to the revenue of the fisheries and customs, give an annual produce of 3,293,700 piastres.

The cantons of Etolia, annexed, according to the register of the Ottoman Government to the Pachalik of Negropont, had been successively seized upon by Ali Pacha, who intrusted the administration of them to his lieutenants. The pure blood of the ancient Etolians, their carelessness, their contempt of death, is still found among the colonies of Agrapha and of Carpenitze. Animated with the energy which the vital air of the mountains of these cantons gives them, they are always induced to repel the attacks of the tyranny. In this part of Etolia, the league of the *armatolis* was formed. These bands, reinforced by all the discontented of Greece, have sometimes opposed force to force, fanaticism to fanaticism, and have caused the satraps of Thessaly and Epirus to make satisfaction for the unjust enterprises formed against their liberty.

The country comprehending Locris,* Phocis,* Livadia,‡ and Attica, contains, by an approximating calculation, 450 square leagues, and a population of about 140,000 souls. Salone, Thebes, Livadia, and Athens,‡ are the principal cities of this country; the face and resources of which are, with some variations, nearly the same as in the countries which have been just above delineated in the table. It may be affirmed, that, in all these provinces, forming continental Greece, the number of Christian inhabitants is, to that of Mahometans, in the proportion of five to one; which would give to all this region a total of 1,316,080 inhabitants, of which there are more than a million of Christians, dispersed over an extent of country which could abundantly contain and support upwards of thrice that population.

PELOPONNESUS.

Peloponnesus,* or the Morea, has a surface of 840 square leagues. Its population is 240,000 Christian inhabitants, distributed in 1,421 villages, towns, and cities, the principal of which are: Corinth, (a fort,) Argos, Naupli, (a fort and port,)‡ St. Pierre, Mistra, or Sparta, Monembossie, (a fort,) Calamate, Androussa, Coron, (a fort and road for shipping,)‡ Modon, (a fort and road,)‡ Navarin, (a fort and port,) Arcadia, Gastonni, Lala, Patras, (a fort and port,)‡ Vostitza, Calavryta, Tripolitza, (a fort,) Caritêne, Leondari.

Its rivers are the Rofia or the Alpheus, the Vossili-Potamos, or the Eurotas, and several others of a shorter course. The mountains of Arcadia, those of Lala or the ancient Pholöe, Mount Olenos, and the Taygete, connect the country in different ways. Notwithstanding the catastrophes which the Peloponnesus has experienced, and notwithstanding the ruinous administration of the Pachas, this province still preserves immense resources, owing to its fertility as well as to its topographical situation. Its agricultural productions are numerous and various; and, according to a calculation made upon the places, the different cantons of the Peloponnesus produce, one year with another, 820,000 kilos. of corn, (wheat,) which fetches 6,560,000 piastres, reckoning the kilo. at eight piastres, the selling price upon the places; 1,169,000 kilos. of maize, barley, and dry vegetables, making 7,402,000 piastres, according to the ordinary sale price; 53,000 barrels of oil, making 2,790,200 piastres, reckoning the barrel at from 40 to 45 piastres; 227,550 pounds of silk, making 3,738,500 piastres; 278,000 quintals of cotton and raw wool, making 1,388,800 piastres. The other revenues of agriculture and of industry—such as wine, cheese, butter, cattle, currants, honey, cotton thread, and stuffs of wool—produce annually in cash the sum of 8,818,500 piastres, which gives a total of 30,698,000. The different imposts and ground rents of the Province amounted, in the year 1814, to 12,816,241 piastres, which left in favor of the managers a difference of 17,881,759 piastres. With this excess, of which the seventeenth went into the treasuries of the Beys, the Agas, and the great proprietors, the inhabitants pay their individual expenses, and the cantons buy in the markets of the province the provisions of the first necessity which they do not grow, and the articles coming from abroad.

In the above extract of revenues and of ground rents of the Peninsula, the country of Magna* or ancient Laconia, is not included. This canton, placed upon the declivities of Mount Taygete, from the city of Calamata to Cape Matapan, is divided into twelve captaincies, and forms a particular species of government, subject to the authority of a native Bey or Prince, held of the Grand Admiral of the Porte. The Magnates (poor, and naturally ferocious) know no other business than that of arms and piracy. In 1813, there were reckoned 10,000 men capable of bearing arms, in a population of 30,000 inhabitants, (Christians and aborigines,) who depended only nominally on the Ottoman Porte.

ISLANDS OF GREECE.(1)

The islands of Greece, according to their geographical order, from south to north, and from ———, are:

Candia† or Crete. It is sixty leagues long, and twenty broad. The ports are, the city of Candia,‡ Rethymo,* Canca,‡ Kissamos. Its population is two hundred and forty thousand inhabitants.

Milo* or Melos, twelve leagues in circuit, and seven thousand inhabitants.

Santorin,* nine leagues in circuit; twelve thousand inhabitants.

Siphanto or Syphnos,* nine leagues long, and two broad; seven thousand inhabitants.

Nio or Ios,* twelve leagues in circuit; two thousand seven hundred inhabitants. It has a good harbor.

Amargos,* twelve leagues in circuit; six thousand inhabitants, and a good harbor.

Paros,* four leagues long, and three broad; two thousand inhabitants.

Naxos,* thirty leagues in circuit; ten thousand inhabitants.

Serpho,* four leagues long, and two broad, with a good harbor, and two thousand inhabitants.

Thermia or Cythnos* five leagues long, and two broad, with a good harbor, and four thousand inhabitants.

Engia or Egyne,* near the Morea, five leagues long, and three broad; five thousand inhabitants.

Coloury or Salamine,* twenty leagues in circuit, with a good harbor, and eight thousand inhabitants.

Zea or Ceos,* six leagues long, and three broad; six thousand inhabitants.

Syra or Syros,* fifteen leagues in circuit, with a harbor, and five thousand inhabitants.

Dili or Delos,* not inhabited.

Myconi,* twelve leagues in circuit, with a good harbor, and four thousand inhabitants.

Tine or Tenos,* seven leagues long, and three broad, and nine thousand inhabitants.

Andros,* thirty leagues in circuit; a harbor, and twelve thousand inhabitants.

Negropont or Eubea,† four leagues long, and ten broad; twenty-five thousand inhabitants.

Skiros, six leagues long, and three broad; six thousand inhabitants.

Scopelos, eight leagues long, and four broad; seven thousand inhabitants.

Thassos, thirty leagues in circuit, with a good harbor, and eight thousand inhabitants.

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(1) Vid. Abridgment of Geography, by l'Anglois, T. 2, pp. 24, 320.

Samandraky or Samothrace, eight leagues in circuit, and two thousand inhabitants.

Imbros, ten leagues in circuit, with a fortified harbor, and three thousand inhabitants.

Stalimène or Lemnos,* ten leagues long, and eight broad, with a fortified harbor, and twenty thousand inhabitants.

Tenedos, fifteen leagues in circuit, with a fortified harbor, and five thousand inhabitants.

Mitylene or Lesbos, twenty leagues long and fifteen broad, with a fortified harbor and eighteen thousand inhabitants.

Chio,† fifteen leagues in circuit, [long] and five broad, with a large and good harbor, and sixty thousand inhabitants.

Samos,* twelve leagues long and six broad, with two harbors, and twelve thousand inhabitants.

Nicari, or Icaria,* eight leagues long and three broad; two thousand inhabitants.

Patmos* few inhabitants.

Leros,* with a large harbor and few inhabitants.

Calimne, or Claros,* six leagues in circuit, with a good harbor, and three thousand inhabitants.

Stanco, or Cos,* ten leagues long and four broad, with a fortified harbor, and five thousand inhabitants.

Stimpalie, or Astipaloe,* seven leagues long and three broad, with a good harbor and six thousand inhabitants.

Carpathos,* twelve leagues in circuit, with a harbor and four thousand inhabitants.

Rhodes, twenty-five leagues long and twenty broad; one hundred and fifty thousand inhabitants. The city of Rhodes is fortified; it has a large and good harbor.

Cyprus, one hundred and thirty leagues long and sixty at its greatest breadth. Its population is eighty-three thousand. The cities are, Nicosia, Cerina, (a large harbor,) Paphos, Limassal, Famagouste and Lamaca.

The islands of Idra,* Spetzia,* and Ipsara,* very important for their marine, reckon a population of fifty-eight thousand souls, or thereby.

The sum total of the population of the islands of Greece, may be estimated at eight hundred and thirty thousand inhabitants, among which are included about one hundred and sixty thousand Mahometans, and seven hundred and seventy thousand Christians. Add two hundred and seventy thousand for the Morea, and one million for continental Greece, and there is two million and forty thousand for the Greek population of these countries. The Greek inhabitants of Thrace, of Bulgaria, of Constantinople, of Smyrna, and of all Asia Minor, are not included in this number.

According to a detailed table, digested in the year 1813, the Greek marine of the islands and of different ports of Greece, amounted to six hundred and fifteen merchant vessels, five thousand eight hundred and seventy-eight cannons, and seventeen thousand five hundred and twenty-six sailors; of which, two hundred and forty vessels, four thousand three hundred and twenty cannons, and nine thousand nine hundred sailors, belong to the three islands alone, of Idra, Spetzia, and Ipsara.—(*Vide Pouqueville, T. 5. page* 68.)

FRENCH SPOLIATIONS.

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[Communicated to the House, Feb. 5, 1824.]

To the Speaker of the House of
Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, agreeably to a resolution of that House of the 11th of December last, with the papers which accompanied that report.

JAMES MONROE.

WASHINGTON, *Feb.* 2, 1824.

DEPARTMENT OF STATE,
Washington, Feb. 2, 1824.

The Secretary of State, to whom has been referred the resolution of the House of Representatives, of the 11th of December last, "requesting the President of the United States to communicate to that House copies of such parts of the correspondence of the late Minister of the United States at the Court of France, with the French Government, and such parts of the correspondence of said Minister with the Secretary of State, relative to claims of citizens of the United States for spoliations upon our lawful commerce, as, in his opinion, may not be inconsistent with the public interest;" has the honor of submitting to the President the papers required by that resolution.

JOHN QUINCY ADAMS.

Extracts from the general instructions of Mr. Monroe, Secretary of State, to Mr. Gallatin, Envoy Extraordinary, and Minister Plenipotentiary of the United States to France, dated

DEPARTMENT OF STATE,
Washington, April 15, 1816.

"It has, at all times, since our Revolution, been the sincere desire of this Government to cultivate a good intelligence with France. The changes which have taken place in her Government have never produced any change in this disposition. The United States have looked to the French nation, and to the existing Government, as its proper organ, deeming it unjustifiable to interfere with its interior concerns. The existing Government has, in consequence, been invariably recognised here, as soon as known. Should you find, that unfounded prejudices are entertained on this subject, which a frank explanation may remove, you are authorized to make it.

"Cherishing these sentiments towards the French nation, under all the Governments which have existed there, it has not been less a cause of surprise, than of regret, that a corresponding disposition has not, at all times, been reciprocated by the French Government towards the United States. The history of the last ten years is replete with wrongs, received from that Government, for which no justifiable pretext can be assigned. The property wrested, in that space of time, from our citizens, is of great value, for which reparation has not been obtained. These injuries were received, under the administration of the late Emperor of France, on whom the demand of indemnity was incessantly made, while he remained in power. Under the sensibility thereby excited, and the failure to obtain justice, the relations of the two countries were much affected. The disorder which has, of late, existed in France, has prevented a repetition of this demand; but now, that the Government appears to be settled, it is due to our citizens, who were so unjustly plundered, to present their claims, anew, to the French Government."

"A gross sum will be received, in satisfaction of the whole claim, if the liquidation and payment of every claim, founded on just principles, to be established, cannot be obtained.

"The management of this important interest is committed to your discretion, as to the moment and manner of bringing it under consideration, in which the prospect of obtaining a satisfactory reparation will, necessarily, have its due weight. You will be furnished with a letter of instruction, authorizing you to provide for it, by convention, should that mode be preferred."

The Secretary of State to Mr. Gallatin.

Department of State,
Washington, May 7, 1816.

Sir: On the presumption that His Most Christian Majesty may be disposed to provide, by special convention, for the just claims of the citizens of the United States against France, as, also, for the like claims of French subjects against the United States—this letter is given to you by direction of the President, as an authority and instruction to negotiate a convention for that purpose, with such person or persons as may have a like authority from His Most Christian Majesty.

I have the honor to be, &c.

JAMES MONROE.

Extract of a letter, No. 10, from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Monroe, Secretary of State dated

Paris, *November* 11, 1816.

"I have the honor to enclose the copy of my note, of the 9th instant, to the Duke de Richelieu, on the subject of indemnities due to citizens of the United States, on account of the illegal and irregular sequestrations and condemnations made under the authority of the former Government of France. I had some difficulty in collecting, from scattered documents, the information necessary to present a correct view of the subject, and adapted to existing circumstances."

Paris, *November* 9, 1816.

Monsieur le Duc: I had already the honor, in some preliminary conversations, to present to your Excellency a general view of the losses sustained by American citizens, under various illegal acts of the former Government of France; and, for which, the United States claim an indemnity from the justice of His Most Christian Majesty.

The right to an indemnity, being founded on the law of nations, extends to all cases, where there has been an evident infraction of that law, such as it is recognised by civilized nations.

Of the acts of the former French Government, openly violating that law; those issued on the 21st November, 1806, at Berlin, and on the 17th December, 1807, at Milan, were promulgated in the shape of public decrees, applicable, at least nominally, to other nations, as well as the United States. Other acts were, exclusively, directed against America; appearing, also, sometimes under the form of decrees, as that of Bayonne, of the 17th April, 1808, and that of Rambouillet, of the 23d March, 1810; and, at times, being only special orders for seizing or selling certain American vessels and cargoes. To these various acts, must be added, the wanton destruction, at different times, of American vessels on the high seas.

That the Berlin and Milan decrees, so far as they declared liable to capture and condemnation neutral vessels, pursuing an innocent commerce, and contravening no municipal laws, were an evident violation of the law of nations, has not been, and cannot be, denied. The plea of retaliation, grounded on a supposed acquiescence of neutral Powers in certain acts of Great Britain, and urged in justification of those decrees, was unjust in its principle, and altogether inadmissible, when affecting a neutral instead of an enemy. And, even that pretence for plundering a friendly Power was abandoned, when the two belligerent Governments, whilst continuing to capture the vessels of the neutral trading with their respective enemy, permitted a direct commerce, by means of licenses. But that plea was, in point of fact, destitute of foundation with respect to the United States. That they had uniformly opposed the aggressions of Great Britain, on their neutral rights, is notorious. It is not less true, and appears from all their public acts, and from the tenor of their negotiations with both belligerents, that it was solely owing to the acts of France, to the Berlin and Milan decrees, that still more decisive measures of resistance were not early adopted against Great Britain. So long as France and England equally continued to violate the neutral rights of America, she could not have selected either of those nations for an enemy, without tamely submitting to the aggressions of the other, and without deviating from that impartial course which it was her constant endeavor to pursue. And when, at last, the French decrees had been revoked, so far as America was concerned, the perseverance of England in continuing her unlawful orders, and in violating the rights of the United States, produced a declaration of war, on their part, against that country.

Notwithstanding the intrinsic justice of the claim of the United States for losses sustained by their citizens, under the Berlin and Milan decrees, it was intimated by your Excellency that those decrees having been of a general nature, other nations, that had also experienced losses by their operation, would have had an equal right to an indemnity, and that those acts not having been enumerated in the last treaties and conventions between France and the other European Powers, amongst those for which a compensation should be made by France, the United States ought not to expect to be placed on a better footing than other nations.

It would be preposterous to suppose, and it cannot have been intended to suggest, that the United States can in any case be bound by treaties to which they were not parties, and in which no attention whatever could have been paid to their interest. Nor can, by any correct analogy, the principles therein adopted be applied to America.

The allied Powers naturally sought to obtain indemnity in those cases in which they were most interested. Almost all, if not all of them, had been, during the late European wars, either at war, or in alliance with France, whilst the United States had never stood in either of those relations towards her. Hence, it necessarily followed, that the injuries sustained by the subjects of those Powers, differed essentially from those inflicted by France on American citizens. The Berlin and Milan decrees, so far as they extended beyond prohibitory municipal regulations, although nominally general, applied in fact almost exclusively to the United States. If there was any exception, it was in amount too small, and applied to nations whose weight was too inconsiderable to be taken into consideration. Of the other Powers, many had no interest that indemnities should be obtained on that account, whilst several of them, namely, England, Spain, Holland, Denmark, and Naples, had a direct interest that the principle should not be admitted. It will, of course, appear, that, by the Convention between France and Great Britain, compensation is to be made by France for all the property of English subjects confiscated or sequestered, not only during the last war, but also during that which preceded the Treaty of Amiens, and including even the loss arising from the reduction of the public debt of France, to one-third of its nominal amount, with the exception of the seizures and confiscations made in consequence of the laws of war, and of the prohibitory laws. And the exception precisely embraces the principal classes of injuries, for which the United States are entitled to indemnity, since their grounds of complaint against France are the abuse on her part of belligerent rights and the unlawful extension of prohibitory laws beyond their legitimate sphere.

Not only were the Berlin and Milan decrees an evident and acknowledged violation of the law of nations; not only the plea of retaliation against England, and of a presumed acquiescence in her aggressions, was unfounded, with respect to the United States; not only neither the treaties between France and the allied Powers are binding on America, nor the principles adopted in those treaties applicable to the relations in which she stood towards France; but those decrees were also an open infraction of the treaties subsisting between the two countries; namely, of the 12th, 13th, and 14th articles of the Convention of the 30th of September, 1800, which did not expire till the 31st of July, 1809. For, it was therein stipulated, that the citizens of either country might sail with their ships and merchandise (contraband goods excepted) from any port whatever, to any port of the enemy of the other, and from a port of such enemy, either to a neutral port, or to another port of the enemy, unless such port should be actually blockaded; that a vessel sailing for an enemy's port, without knowing that the same was blockaded, should be turned away, but neither be detained, nor her cargo be confiscated; that implements and ammunition of war should alone be considered contraband of war; and that free ships should make free goods, extending that freedom even to an enemy's property, on board the ships belonging to the citizens of either country. The French decrees, in violation of those stipulations, after having declared the British islands and possessions in a state of blockade, although they were not pretended to be actually blockaded, made liable to capture and condemnation all American (as well as other neutral) vessels, sailing on the high seas, from or to any English port, or even which might have been visited by an English vessel, as well as every species of merchandise belonging to English subjects, or of English origin.

It is true that, in answer to the American Minister who had applied for explanations respecting the construction intended to be given to the Berlin decree, assurances were at first given that it would produce no change in the previous regulations respecting neutral navigators, nor in the convention with the United States. This construction, which gave to that decree the character only of a prohibitory municipal law, was adhered to during the ten first months which followed its promulgation; and it was only in September, 1807, that merchandise, found on board of neutral vessels at sea, was declared liable to condemnation, merely on account of its being of British growth or manufacture. This fact is here stated for the purpose of observing, that the assurances which had thus been given, and the practical construction thus first put on the Berlin decree, prevented the early opposition which otherwise the United States would have made to it; and that this supposed acquiescence on their part served as a pretence for the British Orders in Council of November, 1807, which were immediately followed by the French decree of Milan.

The decrees and orders of the French Government, which applied exclusively to the United States, will now be noticed.

Assailed by the simultaneous aggressions of the two belligerent Powers, the first step of the American Government was to withdraw the commerce of the United States from the depredations to which it was every where exposed. An embargo was laid in the latter end of the year 1807, on all their vessels; and notwithstanding the extraordinary privations and the great loss of revenue which were incurred, that measure was persevered in during fifteen months. In the mean while, strong remonstrances were made to the

French and English Governments, on the subject of their unlawful acts. Not only was the appeal to their justice fruitless, but it appears that, by an order said to have been issued at Bayonne, on the 17th of April, 1808, all American vessels then in the ports of France, or which might thereafter come into them, were directed to be seized, on the pretence that no vessel of the United States could then navigate, without infringing a law of the United States, as if the infraction of a municipal law could be lawfully punished by a foreign Power; as if it had not been notorious that a number of American vessels, which were abroad when the embargo became known to them, remained in foreign seas and countries, in order to avoid the effect of that law.

The pressure of the embargo on the agriculture and commerce of the United States became such, that Congress found it proper to modify that measure. By a law of the 1st March, 1809, the act laying an embargo was repealed with respect to all countries, England and France only excepted, and the vessels and merchandise of both countries were excluded from the United States after the 20th of May following; with the proviso, that, in case either France or Great Britain should so revoke or modify their edicts, as that they should cease to violate the neutral commerce of the United States, the commercial intercourse of the United States should be renewed with the nation so doing. This law in its nature was entirely municipal and pacific; and its object was to avoid immediate hostilities and to give further time for negotiations; to withdraw, as far as practicable, the navigation of the United States from the operation of the unlawful acts of both France and England, and to give to both sufficient inducements for repealing their edicts, by the actual privation of the benefits derived from the American commerce, and by the prospect that, in case of such repeal by either nation, she would again enjoy those advantages of which her enemy would continue to be deprived.

The act was officially communicated on the 29th of April, 1809, by the American Minister, to the French Government. It was not at that time treated as hostile; and if it produced no favorable change, no remonstrance was made against it. But, towards the end of the same year, orders were given to seize all the American vessels in France, or in the countries occupied by her arms; and after a great number had been thus seized, principally in Spain and in Holland, an imperial decree was, on the 23d March, 1810, issued at Rambouillet, ordering or rather confirming that seizure, extending it to all American vessels which had entered France or those countries since the 20th May, 1809, and directing that the product of the sales should be deposited in the caisse d'amortissement. The act of Congress of 1st March, 1809, was alleged as the motive for that outrageous measure. In point of fact, it is not believed that any vessel, the property of French subjects, had been forfeited for a violation of that act. At least, it is not recollected that any application was made for the remission of such forfeiture, to the Treasury Department, which, by the law, was authorized to grant such remissions, and would certainly have done it, in any case where the law might not have been within the knowledge of the parties. But it cannot be necessary seriously to discuss a plea which was evidently but a pretence for plunder. It will be sufficient to observe, that the gross injustice of the Rambouillet decree consists in its retrospective operation; and that if the French Government had promulgated an order, excluding American vessels from the ports of France and of the countries occupied by her arms, and pronouncing the penalty of confiscation after due notice of that order, American citizens who might have voluntarily and knowingly violated the provisions of what was only a municipal law, would have been justly liable to its penalties.

The American property seized or captured by virtue either of those four general decrees, or of special orders, which are but partially known to the Government of the United States, may, in reference to its present situation, be classed under two general heads, viz: that which has never been condemned, and that which has been actually confiscated.

The first class embraces the vessels and cargoes burnt at sea, and those which have been sequestered.

It is not necessary to make any observations on the destruction of vessels at sea, your Excellency having already intimated that the Government of France was disposed to make compensation for acts of that nature.

The vessels and cargoes sequestered, and not condemned, consisted principally of those seized at St. Sebastian, and other places, in the latter end of the year 1809, and in the beginning of 1810, and sold by virtue of the decree of Rambouillet. Fourteen vessels which, during that Winter, had been driven into Holland, and which, by a particular agreement between the Government of that country and that of France, bearing date, it is said, the 16th of March, 1810, were put at the disposal of France, are of the same description. And exclusively of other special orders of the same nature, which may not be known to me, the cargoes of seven vessels arrived at Antwerp in the beginning of the year 1807, and which were permitted to be landed there, were also sequestered and finally sold by virtue of an order of Government, dated the 4th of May 1810. In all these cases there has been no condemnation, no final decision. The vessel and cargoes were only seized and sold by order of Government, and the proceeds of sales deposited in the caisse d'amortissement, or in some other public chest.

The right to demand and obtain a decision on all those suspended cases, is undeniable. Either the proceeds of sales will be restored to the lawful owners, by virtue of that decision, or the present Government of France must go beyond what had been done by the former Government, and decree the final confiscation of property, which even that Government had been unwilling to condemn. I will not permit myself for a moment to suppose that there can be any hesitation on that question.

With respect to property actually condemned without intending to impair the indisputable right of the United States to an indemnity for every condemnation made by virtue of decrees, violating the acknowledged law of nations, I will beg leave to add some observations on the manner in which those decrees were executed, for the purpose of showing that an investigation and revision of those condemnations ought to take place, even if it was admitted that France had a right to issue the Berlin and Milan decrees, and to condemn vessels contravening their tenor. The time necessary to obtain information in that respect, has occasioned the delay which has taken place in making this communication, since the last conference I had the honor to hold with your Excellency.

1. These condemnations have, as has already been stated, been made in contravention of an existing treaty; so far at least as relates to property seized or captured prior to the 31st of July, 1809.

2. Several of the condemnations, or rather, acts of confiscation, were made by what has been called "imperial decisions, meaning thereby, not those cases where an appeal may have been made from that Council of Prizes to the Council of State, but those instances where the order of condemnation issued from the Council, or from Napoleon himself, without any previous regular trial and condemnation by the Council of Prizes. Such proceedings must be considered as irregular and arbitrary acts, contravening the usages and law of nations. It is sufficiently hard for the neutral that his property should be tried exclusively by the tribunals of the belligerent, where a natural bias exists in favor of the captors. It is at least necessary that the decisions should be made by a regular and permanent tribunal, acting according to fixed rules, and affording every security of which such an institution is susceptible. But the United States have a right to demand that those imperial decisions should be annulled not only as contravening the usages and law of nations, but as violating, also, an existing treaty. It has been stipulated by the 22d article of the Convention, of the 30th of September, 1800, "that in all cases, the established courts for prize causes, in the country to which the prizes might be conducted, should alone take cognizance of them." Of twenty-seven vessels and cargoes (captured or seized prior to the 1st of November, 1810) which, as appears by a list before me, were condemned by imperial decisions, eighteen had been seized or captured prior to the 31st of July, 1809, the day on which the Convention expired.

3. I have been assured that, upon investigation, it will be found that some of the decisions of the Council of Prizes itself, have taken place without observing the forms prescribed by law; without giving an opportunity to the parties of bringing their proofs; without an examination of the ship-papers, and, in fact, in obedience to an imperial order. A decision of the Council, dated 10th of September, 1811, and by which six ships and cargoes were at once condemned, is particularly mentioned.

4. The retrospective operation of the Rambouillet decree has already been mentioned. It will also be found that, in several instances, the Milan decree has received a similar construction, and that vessels have been condemned for having contravened that decree, which could not have known its existence, having sailed from American ports either before, or a short time after, it had been issued, and the alleged infraction of the decree itself having, at least in one instance, taken place prior to its date.

5. It might have been expected that, when the Berlin and Milan decrees were declared to be revoked from and after the 1st of November, 1810, no further condemnations would take place with respect to cases not yet decided at that time; notwithstanding which, it appears that forty-eight ships and cargoes, previously seized or captured, were condemned subsequent to that day, namely: by the Council of Prizes, eighteen before, and ten after, the 28th of April, 1811; and by imperial decisions, eleven before, and nine after, the last mentioned day. Yet the decree of that day (28th of April, 1811) enacts and declares that the Berlin and Milan decrees are, from and after the 1st November, 1810, definitively considered as if they had not existed (*comme non avenus*) with respect to American vessels.

6. Several condemnations were made, for frivolous pretences, of vessels captured after the 1st November, 1810, or, in other cases which the general decrees could not reach; such as alleged irregularities in the certificates of origin, or in other ship-papers; presumed navigation under British convoy; mutiny on board; intention to remit the proceeds of sales through England.

It appears, from the preceding statement, that, independent of the illegality of the Berlin and Milan decrees, there is sufficient cause for the revision of the condemnations which have taken place. Nor is there any thing novel in that course. A number of unlawful captures of American vessels having been made by Great Britain during the commencement of her war with France, particularly by virtue of certain British Orders in Council, of the 6th November, 1793, it was agreed, by the 7th article of the treaty of November, 1794, between the United States and England, that full and complete compensation should be made by the British Government for the losses and damage sustained by citizens of the United States, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Britannic Majesty; and a sum exceeding twelve hundred thousand pounds sterling, in specie, was actually paid to American citizens, by the decision of the joint commission appointed in conformity with the said treaty.

From this view of the subject, I have the honor to propose to your Excellency an arrangement, founded on the following basis, in which, without abandoning the just rights of the citizens of the United States, a positive stipulation is avoided, which would, at that time, bind the Government of France to make compensation generally for all the condemnations under the Berlin and Milan decrees.

1st. That the Government of France will engage to make compensation to the citizens of the United States: 1. For all vessels and cargoes captured, seized, or sequestered, which have not been definitively condemned by the Council of Prizes, and the proceeds of which were placed either in the public treasury, in the *caisse d'amortissement*, or in any other public chest; and also for all vessels and cargoes destroyed at sea, and likewise not condemned by the Council of Prizes: 2. For the losses sustained by reason of such other irregular or unlawful seizures, captures, or condemnations, as will be decreed, by a joint commission, to have been made contrary to public law and justice, or in contravention of existing treaties.

2d. That a joint commission (or commissions) shall be established, with power, 1. To liquidate the amount due for property, either destroyed at sea, or sequestered and not definitively condemned as aforesaid: 2. To decide in what other cases of irregular or unlawful seizures, captures, or condemnations, the Government of France is justly bound to make also compensation, and to what amount.

The manner in which the commission or commissions should be appointed and organized, may, it is presumed, be easily arranged, and every reasonable stipulation will be admitted which may be necessary to limit exclusively the right to compensation to cases of *bona fide* American property.

I cannot end this communication without saying, that the present situation of France is known and felt by the Government of the United States. It is evidently the interest of America that France should be prosperous and powerful. It is the sincere wish of the Government of America, that the present Government of France may soon be relieved from the difficulties which the lamentable event of March, 1815, has occasioned. It is, therefore, with reluctance, and only in obedience to a sacred duty, that a demand is made, at this time, which may have a tendency to increase those difficulties; and every disposition exists to accede to such time and mode of payment as, without being inconsistent with the just rights of the citizens of the United States, may be least inconvenient to France.

Permit me to request your Excellency to take the subject into early consideration, and to communicate to me, as soon as may be practicable, the determination of His Majesty's Government.

I have the honor to be, &c.

ALBERT GALLATIN.

His Ex'cy the Duke de Richelieu,
Minister, Sec'y of State for the Department of Foreign Affairs, &c.

Extract of a Letter, No. 19, *from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Monroe, Secretary of State, dated*
Paris, *January* 20, 1817.

"Having received no answer from the Duke de Richelieu to my letter of the 9th November last, I addressed to him, on the 26th December, a short note, of which, and of his answer, dated the 16th instant, copies are enclosed.

"In the interview which accordingly took place to-day, I requested that he would proceed to state what he had concluded to offer in answer to the basis proposed in my note of the 9th of November last. He said that his offer would fall very short of our demands; that he would not go beyond an indemnity for vessels burnt at sea, and for those, the proceeds of which had been only sequestered and deposited in the *caisse d'amortissement*. He added, that he would make his proposal in writng, and this would not be attended with much delay. I then said that I could not give any opinion on his proposal, until I had received his note, but that I wished him to understand that, if the Government of the United States thought it proper (which I could not at present promise,) to accept an indemnity for certain classes only of our claims, this never would be purchased by a relinquishment of the other just demands of our citizens."

Mr. Gallatin to the Duke de Richelieu.

Paris, *December* 26, 1816.

The undersigned, sensible of the important business which, at the opening of the two Chambers, must have engrossed the attention of His Most Christian Majesty's Government, has heretofore avoided to urge the consideration of the subject-matter of the letter, which he had the honor to address, on the 9th of November last, to His Excellency the Duke de Richelieu. It has, however, become necessary that he should be able to communicate to his own Government, the result of his application. He, therefore, requests an interview, as early as will suit the convenience of the Duke de Richelieu.

The undersigned embraces, with pleasure, this opportunity of presenting to His Excellency the Duke de Richelieu the reiterated assurance of his most distinguished consideration.

[TRANSLATION.]

The Duke de Richelieu to Mr. Gallatin.

Paris, *January* 16, 1817.

The Duke de Richelieu cannot but deeply regret that his weighty and multiplied avocations have compelled him to put off, until this moment, the time he had promised himself to receive Mr. Gallatin, and now fixes the time for Monday morning, the 20th of the present month, at noon, if that day meets his convenience.

He prays him to accept, meanwhile, the renewed assurance of his most distinguished consideration.

Extract of a letter, No. 27, *from Mr. Gallatin to the Secretary of State, dated Paris, 23d April*, 1817.

"I had an interview on the 13th instant with the Duke de Richelieu, in which he anounced to me, that he had concluded not to give a written answer to my note of the 9th of November last, on the subject of American claims. The claims of the subjects of European Powers which France was, by the Convention of 1815, bound to pay, had been estimated at a sum not exceeding, at most, one hundred and fifty millions of francs (or an annuity of seven and a half millions.) But it was now found that the terms thus imposed were much harsher than the French Government had expected, or than the Allies themselves had intended. The reclamations, under the Convention with Great Britain, did not, indeed, exceed the sum of fifty millions, at which they had been estimated; but those of the subjects of continental Powers, filed with the commission appointed for that purpose, exceeded twelve hundred millions, without including a portion of the Spanish claims, the time for presenting which had not yet expired. Many of those demands would undoubtedly be rejected, or reduced by the commission. Still, the probable amount which might be declared justly due, so far exceeded every previous calculation, and was so much beyond the ability of France to pay, that he (the Duke) was now employed in seeking some means of obtaining modifications which might bring the payments in some measure within the resources of the country. Under such circumstances, and whilst unable to face the engagements which superior force had imposed on them, it was, he said, utterly impossible for his Majesty's Government to contract, voluntarily, new obligations. They were not willing to reject, absolutely and definitively, our reclamations *in toto;* they could not, at this time, admit them. What he had now verbally communicated, could not, for many reasons, become the ground of an official answer to my note. He had, therefore, concluded that a silent postponement of the subject was the least objectionable course, since, having now made our demand for indemnity in an official manner, the question would be left entire for discussion at some more favorable time, after France was in some degree disentangled from her present difficulties. He added, that, if there was any apparent inconsistency between the language he had formerly held, and what he was now compelled to say, it must be ascribed to the circumstances he had stated, to the extraordinary and frightful amount to which he had lately found other foreign claims to have swelled.

"After some remarks on the disappointment which, after what had passed in our first conversation, this unexpected determination must produce, I repeated, that the payment by France of exaggerated and doubtful claims to the subjects of every other foreign Power, did but increase the injustice of refusing to admit the moderate and unexceptionable demands of the American citizens. The present embarrassments of France, however increased by the magnitude of those foreign private claims, could form no solid objection to the recognition and liquidation, although they might impede the immediate discharge of our reclamations. It was with this view of the subject that I had, from the first outset, expressed the disposition of the Government of the United States to accommodate that of France, as to the time and manner of making compensation to the claimants. I added, that his declining to answer my note in writing, would, exclusively of other objections, leave no trace of the ground on which he placed the postponement of the subject.

"The Duke, without answering my observations in a direct way, gave me to understand, that, after the great sacrifices to which the King's Ministers had been compelled to give reluctant assent, and the magnitude of which would soon be known, they would not dare to take the responsibility of acknowledging a new debt, although made payable at a distant period.

"On my mentioning that His Majesty's Government had voluntary recognised all the engagements previously contracted with French subjects, and which constituted what was called the *arriere*, and suggesting that the sequestrations of American property might be considered as coming under that description, which would prevent the necessity of asking a specific credit for that object from the legislative body; he answered that the law would not justify such a construction.

"Having exhausted every argument which the occasion suggested, I ended the conference, by saying, that, as I could not compel him to give me a written answer, I would reflect on the course which it behooved me to pursue, and that, probably, I would refer the case to my Government. He said that he intended to write to Mr. de Neuville to make to you a communication similar to that which he now had made to me.

"I addressed to him yesterday the letter of which a copy is enclosed. Its principal object, as you will perceive, is to put on record the ground on which he had himself placed the postponement of the subject, and to leave the door open to further representations respecting cases of property not condemned, in case you should think it best not to urge further at present the demand for indemnity in all cases."

Mr. Gallatin to the Duke de Richelieu.

PARIS, *April* 22, 1817.

MONSIEUR LE DUC: In the interview which I had the honor to have with your Excellency on the 13th instant, you intimated that the increased magnitude of the claims made upon France by subjects of European Powers, under the Conventions of the year 1815, rendered it necessary to postpone, to a more favorable time, the discussion of the American claims which were the subject of my note of the 9th of November last. Without repeating here the unavailing arguments which I urged against this indefinite and unexpected delay, I will only say that I am not authorized to accede to it, and that it cannot be viewed favorably by the Government of the United States, after the assurances which had been given of its disposition to concur in any reasonable arrangement which might be proposed, with respect to the time and manner of making compensation to the claimants.

I presume, however, that the postponement is intended to apply only to those claims, which, though founded on strict justice, were found by His Majesty's Government in a situation that seemed to render a convention necessary for their proper adjustment. The demands for property burnt at sea, or seized and sequestered without having ever been condemned or even brought to a trial before any tribunal whatever, are not of that description. They are, to all intents and purposes, an *arriere*, or unliquidated debt, for property seized, which, if not condemned, must be paid for, and the settlement of which does not require a specific convention. It cannot be supposed that, after His Majesty's Government has not only agreed to pay various foreign claims, of a different nature, but has recognised all those of French subjects arising from the acts of the former Governments of France, the citizens of the United States should alone be excepted from the operation of those measures dictated by justice and sound policy, which, under most arduous circumstances, have so eminently contributed to surmount every difficulty, and to restore the public credit.

If any distinction was indeed attempted to be made, it should be in favor of the citizens of a foreign nation at peace, whose property was forcibly arrested from them, rather than in favor of subjects who voluntarily advanced theirs, and in many instances with a view to an expected profit. But no such distinction is claimed; and I only trust that, whilst the communication made to me compels me to wait for further orders from my Government on the subject of American claims, generally, those of the description last mentioned shall not remain suspended, and that orders shall be given to the proper authorities for their speedy liquidation, and for discharging them in a manner as favorable at least as that which has been provided for the claims of French subjects known by the name of *arriere*.

I request your Excellency to accept the assurances of the distinguished consideration with which I have the honor to be, your most obedient servant,

ALBERT GALLATIN.

Extract of a letter from Mr. Gallatin, No. 37, detailing the substance of a conversation with the Duke de Richelieu, to the Secretary of State, dated

PARIS, *July* 12, 1817.

"He (the Duke de Richelieu) then said, that he wished it to be clearly understood that the postponement of our claims for spoliations was not a rejection; that a portion of them was considered as founded in justice; that he was not authorized to commit His Majesty's Government by any positive promise; but that it was their intention to make an arrangement for the discharge of our just demands, as soon as they were extricated from their present embarrassments. He still persisted, however, in his former ground, that they could not, at present, recognise the debt, or adjust its amount."

Extract of a letter from the same, No. 55, to Mr. Adams, Secretary of State, dated

PARIS, *January* 2, 1818.

"Fifteen millions are spoken of, which, with the five millions already paid, and the three allotted to British subjects, will make an aggregate of four hundred and sixty millions, in five per cent. stock, paid by France for European private claims. Ours, in the meanwhile, remain in the same situation; and I wait for an answer to my despatch, No. 27, (of the 23d of April last,) before I take any new steps on the subject."

Extract of a letter from the same, No. 67, to the same, dated

PARIS, *April* 27, 1818.

"I had, in my letter of the 2d of January last, mentioned, that I would wait for an answer from your Department to my despatch of the 22d April, 1817, before I took any new steps on the subject of our own claims; and I had no expectation that a new application would, at this moment, prove successful. Yet, it appeared that, to remain altogether silent, at the moment when an arrangement for the claims of the subjects of every other nation was on the eve of being concluded, might, in some degree, be injurious to the rights of our citizens. It was also apprehended, that, in their public communications, the Ministers of the King, wishing to render the new convention as palatable as possible, might announce to the nation, in general terms, that all the foreign claims of individuals were now satisfied. These considerations induced me to address to the Duke de Richelieu the note of the 3d instant, of which I have the honor to enclose a copy, as well as of that by which he acknowledged the receipt of mine. You will perceive that, in his communication to the Chambers, (which has been inserted, correctly, in no other newspaper than the Moniteur,) that he has expressed himself in the following terms: 'France (by this payment) is liberated, both as to principal and interest, from all the debts contracted towards the subjects of the other European Powers, prior to the 20th November, 1815.' The consideration of our claims is not therefore barred by any thing which has taken place; but there is not yet any disposiiton to take up the subject."

Mr. Gallatin to the Duke de Richelieu.

PARIS, *April* 3, 1818.

MONSIEUR LE DUC: I have not had the honor to address your Excellency on the subject of American claims, since my letter of the 22d of April last. The disposition of the Government of the United States never to abandon the just rights of her citizens, and, at the same time, to pay every due regard to the unfavorable circumstances under which France has been placed, is sufficiently known to your Excellency. It is, however, notorious, that negotiations are now carried on, for the amicable liquidation of all the private claims of the subjects of European Powers against France; and it is generally believed that the negotiations are on the eve of being terminated, and that the sum to be paid on that account will be definitively settled. The magnitude of those claims, and the uncertain result of the liquidations contemplated by the former conventions with the Allied Powers, had been alleged, in April last, as reasons which rendered it necessary to postpone, at that time, the consideration of American reclamations. It has therefore become my duty to bring these once more to your Excellency's recollection.

It is not my intention to renew, at this moment, the discussion of the justice of our demands. In this stage of the business, I could only refer to the facts and observations, contained in former notes, which still remain unanswered. But I must say, that further delays in the adjustment of American claims, when those of the subjects of other nations are settled, could not be viewed favorably by the Government of the United States; whilst, on the other hand, a simultaneous and definite arrangement of all foreign demands arising from the injustice of the former Government of France, seems most consistent with sound policy, and could not fail to have a beneficial effect on public credit.

Whatever course may be pursued, I feel satisfied that the result of the late negotiations with the European Powers will not be considered or announced by His Majesty's Government as a total liberation of all the foreign claims of individuals; for, however unsuccessful my endeavors may heretofore have been, I have uniformly ascribed that result to the untoward situation of France; and I know that my Government has never ceased to place a firm reliance on the spirit of justice and good faith which animates His Majesty's councils.

I request your Excellency to accept the assurance of the distinguished consideration with which I have the honor to be, your Excellency's most obedient servant,

ALBERT GALLATIN.

[TRANSLATION.]

Duke de Richelieu to Mr. Gallatin.

PARIS, *April* 7, 1818.

SIR: You have done me the honor to address to me, on the 3d of this month, some new observations on the American claims, which I shall take care to lay before His Majesty.

Accept, sir, the assurances of the high consideration with which I have the honor to be, your very humble and obedient servant,

RICHELIEU.

Extracts of a letter from the Secretary of State to Mr. Gallatin, dated

DEPARTMENT OF STATE,
Washington, December 31, 1818.

"No communication from you, since your return to France, has yet been received; but it is hoped that, since the foreign troops have been withdrawn from that country, and an adjustment has been made by the French Government of the claims of the subjects of European Powers, there will be time and a disposition to make a suitable provision for those of citizens of the United States."

"Meanwhile, you have, herewith enclosed, a copy of a statement made to this Department, of a claim of Archibald Gracie and sons, which appears to stand upon grounds so peculiar and unexceptionable, that we cannot but hope the French Government will give immediate satisfaction upon it, without waiting for the discussion or delay which may be thought necessary for others, and without prejudice or disparagement to them."

Mr. Gallatin to the Marquis Dessolle, Minister of Foreign Affairs.

PARIS, *February* 11, 1819.

MONSIEUR LE MARQUIS: I have the honor to transmit to your Excellency a memorial, addressed by Mr. Parish, a citizen of the United States, to his Excellency the Minister of Finance, on the subject of a claim which, it appears, has been laid before that Department.

Having been confined for the last three weeks by indisposition, I have been prevented from asking an interview of your Excellency, with which I was desirous of being favored before I presented to you this memorial, and renewed my application for the settlement of the American claims in general. But, having recently received very special orders from my Government, accompanied by a particular recommendation of Mr. Parish's claim, I am no longer at liberty to defer the discussion of this interesting concern.

I have, therefore, to request your Excellency to have the goodness to examine the official notes which I had the honor to address to the Duke of Richelieu upon the subject of these claims, and to which I have yet received no answer. I shall not now enlarge upon the view presented in my note of the 9th November, 1816. By that of the 22d of April, 1817, it will be seen that the negotiations on that subject were suspended solely in consideration of the trying situation in which France was then placed, and, especially of the embarrassments of the administration by the enormous and unexpected mass of claims brought forward by the subjects of allied Powers. These obstacles are now happily removed; every demand of all the European Powers and their subjects has been amicably adjusted and settled. The rights, so legitimate, of the citizens of the United States, alone remain unsatisfied. My Government, preserving an unshaken confidence in his Majesty, cannot doubt that the time has at length arrived when ample justice will be rendered to its claims.

With respect to that of Mr. Parish, it may be remarked, that it is very simple, and is susceptible of being adjusted without waiting the result of, or in the least interfering with a general settlement. In fact, the cargoes in question, were never condemned, but were only sold for the joint benefit of all, and the proceeds deposited, provisionally, in the Sinking Fund. It is further important to remark, that, by an order of the French Government, permission was granted to the consignees of cargoes sequestered at that period, at Antwerp, to take possession and dispose of them, on their giving an obligation to become responsible for the amount, to the public treasury, in the event of a decision pronouncing their confiscation. The house of Mr. Ridgway, Consul of the United States, together with that of Mr. Parish, refused their assent to a condition which implied an admission of the legality of the seizure. The European consignees, with whom this consideration had no weight, received and sold their goods, and their obligations were subsequently returned to them. Thus, by refunding to the houses of Ridgway and Parish the proceeds of the cargoes consigned to them, the decision which was virtually carried into effect in the case of all others, similarly situated, will only receive its due application as it regards them.

I have to observe, that, although the claims of both these houses are perfectly similar to each other, that of Mr. Parish is the only one which appears to have been taken into consideration by the Department of Finance.

In the hope that my health may soon permit me to confer personally with your Excellency I have the honor to be, &c.

ALBERT GALLATIN.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated

Paris, *July* 3, 1819.

"I transmitted, in my despatch No. 100, the copy of the letter which I had addressed to Marquis Dessolle, on the 11th of February last, on the subject of American claims in general, and more particularly of that of Messrs. Gracie and Parish.

"On the 23d of March, in transmitting to the same Minister a letter from Mr. Hyde de Neuville, in behalf of Mr. Gracie, I reminded him of my preceding note, and requested that a report which the Director General of the Douanes was shortly to make on the claim, might be communicated to me before the Minister of Finances should decide upon it. This was the more important as the director was known to be decidedly hostile to the claim, and to the restitution of any sum which had, in any shape, found its way to the public treasury.

"My request was not complied with; but, Mr. Parish still thought that the affair had taken a favorable turn, and, not expecting an immediate decision, left this city for Antwerp, and went thence on some business to England. From this last country he wrote to me a few days ago, and transmitted the enclosed copy of a letter addressed to him by the Minister of Finances, and by which he is informed that his claim is inadmissible.

"The Minister's letter is not less incorrect as to facts than weak in argument. The order to sell and to pay into the treasury the proceeds of the sales of sequestered property, is not, and was not, by the then existing Government, considered as a condemnation. When the vessels in question arrived at Antwerp, the only penalty to which they were liable for having touched in England was, to be refused admission, and the only question was, whether this exclusion should be enforced, or whether the consignees should be permitted to sell the cargoes. It was not at all, by giving a retrospective effect to the Milan decree, that the cargoes were sold. The sale took place about the same time that the property seized at St. Sebastian was sold. It was done by virtue of an order from Government, distinct from the Rambouillet decree, and for which no motive was assigned. I have requested Mr. Parish's lawyer to procure copies of the order of sale, and of that by which the money was paid into the public treasury, instead of the *caisse d'amortissement*; for, although the substance of the orders is known, the text has not been communicated.

"But, however easy it might be to answer the Minister's letter, there would be some inconvenience in pursuing that course, or in prosecuting further Mr. Parish's claim, distinct from others of the same nature."

"The decision of the Minister of Finances, founded on the assumed principle that no redress remains when the money has been paid into the treasury, and been expended, would apply with equal force to all the American claims. If it becomes necessary to combat seriously that doctrine, it will be better to do it generally, and in a direct correspondence with the Minister of Foreign Affairs, than by answering a letter which is not addressed to me, and applying my arguments to a single case."

"In the present state of things I will try, until I am positively instructed, to keep the negotiation alive, but without urging a decision, unless I can ascertain that a favorable result will be thus obtained."

[TRANSLATION.]

The Minister of Finance to Mr. Parish.

Paris, *May* 22, 1819.

Sir: You have applied, in behalf of Mr. Archibald Gracie, of New York, for the restitution of the value of the cargoes of three American ships, the Perseverance, the Hiram, and the Mary, sequestered by the Imperial Government in 1807, and the proceeds of which were afterwards confiscated by it.

Having had a detailed statement laid before me, of the circumstances connected with this transaction, the documents exhibited established the following facts:

By a decree, issued at Berlin, 21st November, 1806, the British islands were placed in a state of blockade. By articles 7 and 8 of this decree, every vessel coming directly from England or from the English colonies, or having been there since the publication of the said decree, was refused admission into any port; and every vessel attempting to contravene that clause, by means of a false declaration, was, together with the cargo, subject to seizure and confiscation, as if they were English property. It was while these legislative measures were in force, that the three ships in question arrived at Antwerp, to your address. They had put into England; a circumstance which was, however, not considered by the custom-house as an irremissible cause of confiscation, there being reason to presume that it was through stress of weather.

In the interval of time previous to the decision which was to be made by the chief of the State, a proposal was made to you to dispose, conditionally, of the cargoes of these vessels, on your engaging to refund the proceeds, in the event of their final confiscation. You refused your assent to this offer, and, at a subsequent period, claimed its execution; but things had then changed, the legislative measures having become more rigorous.

By a decree of 23d November, 1807, it was declared:

ART. 1. "That all vessels, which, after touching in England, from any cause whatsoever, shall enter the ports of France, shall be seized and confiscated, together with their cargoes, without exception or distinction of goods and merchandise."

By a retrospective effect, which I am certainly very far from wishing to justify, but to which it is proper to advert, because it forms one of the striking features of the case, this decree of 23d November was enforced as to the three vessels. It was ineffectually that the Director General of the customs represented to the head of the Government, that the English had no interest whatever in these three vessels, and that they were solely and bona fide American property; an immediate sale of their cargoes having been ordered by the supreme authority on the 4th of May, 1810. This order was carried into execution on the 15th of June following, and the proceeds, at first deposited in the sinking fund, were subsequently withdrawn, in conformity, also, with the same superior orders, and placed in the public treasury, as having definitively become the property of the State.

I admit with you, sir, the iniquity of these measures; and with you I deplore their effects; but to repair them is not within the compass of my power. If the cargoes in question still existed in the custom-house store, they should be immediately restored to you; but they were sold, and their proceeds no longer exist. The whole transaction was terminated, irrevocably terminated, four years prior to the restoration, and it is not within the power of His Majesty's Government to revive an obsolete claim, to renew a discussion on rights which are extinct, or to repair individual losses by an augmentation of the public burdens.

With the expression of my regrets, be pleased, sir, to accept the assurance of my perfect consideration.

The Minister of Finance and Secretary of State,
BARON LOUIS.

No 140.

PARIS, *March* 16, 1820.

SIR: I had, on the 9th of June, 1818, addressed a letter to the Duke de Richelieu, in relation to the American vessels "Dolly" and "Telegraph," burnt at sea by two French frigates, in the latter end of the year 1811. Mr. Lagrange, the lawyer of the owners, communicated to me a short time ago, the decision of the Council of State in that case, copy of which, as well as of my letter to the Duke de Richelieu, is herewith enclosed. You will thereby perceive that the application for indemnity has been rejected, principally on the ground that the French captains must have been ignorant of the revocation of the Berlin and Milan decrees, since the decree of the 28th of April, 1811, was not published till the 8th of May, 1812.

It appeared to me essential, not only to remonstrate against this flagrant injustice, but also to refute at large the doctrine thus attempted to be established, in violation of the solemn engagements of the French Government. The effect the decision might have on our claims in general, and the ground which had been uniformly assumed by the Government of the United States, in its discussions with that of Great Britain, and in all the public reports made on that subject, are considerations too obvious to require any comment on my part. I have the honor to enclose a copy of the letter which I have addressed to Mr. Pasquier on the occasion, and am, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

The Hon. JOHN Q. ADAMS,
Secretary of State, Washington.

PARIS, *June* 9, 1818.

MONSIEUR LE DUC: I had heretofore abstained from addressing your Excellency on the subject of special American claims for spoliations committed on our commerce by the French authorities. A general decision had appeared, and still seems to be, the most eligible mode of coming to a satisfactory arrangement. Being, however, informed, that some cases are still pending before the Council of State, it becomes my duty to depart in these instances from the line of conduct I had adopted.

I have, therefore, the honor to transmit to your Excellency a memoir, addressed to the King in Council, in behalf of the owners of the ships and cargoes of the American vessels Dolly and Telegraph, burnt at sea in November and December, 1811, by the French frigates la Meduse and la Nymphe.

It is certainly preposterous to suppose that His Majesty's Council will, at this time, condemn American vessels for any presumed contravention to the iniquitous decrees of Berlin and Milan. But a discussion of that point is not even necessary in these cases. It is evident that those vessels were destroyed several months, at least, after the solemn revocation of those decrees, so far as respected the United States. It is equally evident that neither the presumed fact that the captors were ignorant of that revocation, nor the omission of formalities, to use no stronger language, on their part, can be plead against the American owners. It seems unnecessary, in a case so plain, to enforce these arguments, or to anticipate objections. In simply recommending it to your Excellency's attention, I feel a perfect confidence that the parties will obtain from his Majesty's Council that decision in their favor, which has been too long protracted, and to which they are so justly entitled.

I pray your Excellency to accept, &c.

ALBERT GALLATIN.

His Ex'cy the Duke de RICHELIEU,
Minister of Foreign Affairs, &c.

[TRANSLATION.]

COUNCIL OF STATE.

Extract from the Register of deliberations, session 23d December, 1819.

LOUIS, by the grace of God, King of France and Navarre, upon the report of the Board of Questions:

Having seen the petition presented to us in the name of the proprietors and owners of the American ships the *Dolly*, and the *Telegraph*, captured on the 29th November, and 6th December, 1811, by the French frigates the *Meduse* and the *Nymphe*, and burnt at sea, by the orders of Mr. Raoul, Captain of the frigate *Meduse*, and commander of said division, the said petition being registered at the Secretary's General's office of our Council of State, the 11th June, 1818, and that it would be our pleasure,

1st. To declare the said captures null and illegal;

2d. To ordain that the proprietors of said ships, and of their lading, should be indemnified for the losses which the burning them has occasioned;

3d. To remit them to the legal tribunal for the liquidation of said indemnities, under the reservation of all means and exceptions; especially to proceed and conclude, as shall be proper, against the authors or accomplices of the abstractions which they pretend to have been committed on board of the two ships, and generally under all the reservations of right;

Having seen the procès-verbal of the capture, and of the burning of the American ships *Dolly* and *Telegraph*, which occurred at sea on the 29th November and 6th December, 1811, signed by the Captain, Lieutenant, Ensigns de Vaisseau, (second Lieutenants,) and Purser, (agent compatible,) composing the crew of the frigate *la Meduse:*

Having seen the acts of protest and declaration made before the Consul of the United States at L'Orient, to wit: by Mr. Stephen Bayard, Captain of the ship Telegraph, on the 11th January, 1812, and by Mr. William Friat, passenger on board the *Dolly*, and calling himself proprietor of divers merchandise embarked on board of said vessel, dated the 29th December, 1811:

Having seen the bills of lading and affidavits annexed to these declarations:

Having seen the conclusions, dated 31st October, 1814, of the Attorney General, before the Council of Prizes, to whom these claims had been submitted:

Having seen the decisions made by this council, on the same 31st October, 1814, by which it was ordained that, before a decree, the persons composing the crews of the frigates *la Meduse* and *la Nymphe* should be interrogated upon the different circumstances of said captures:

Having seen the procès-verbal of the interrogatories undergone, on the 13 January, 1815, by Mr. Raoul, captain of the frigate *la Meduse*, and Mr. Crom, at that time boatswain's mate in the same frigate, from which it results, that the captures and burnings took place in consequence of their instructions, which prescribed to them the execution of the Berlin and Milan decrees:

Having seen the decrees, dated that of Berlin on the 21st November, 1806, and that of Milan on the 23d November and 17th December, 1807:

Considering that it is evident that the ship *Dolly*, laden with merchandise for Havana, sailed from Liverpool, a port of the English dominion, and that the ship the *Telegraph*, laden with flour at Philadelphia, was destined for Lisbon, at that time occupied by the English troops; and that, since that time, these vessels sailed in contravention of the Berlin and Milan decrees:

Considering that the first public notification which was given of the revocation of said decrees, with respect to the Americans, took place only by the notes inserted in the Moniteur, of the 8th of May, 1812, several months after the capture of said vessels, and that, from that time, the captains of the *la Meduse* and *la Nymphe* could not know it; and that it even appears, according to the note dated 12th March, 1812, imputed by the petitioners to the Ministers Plenipotentiary of the United States, that, at that time, this Minister himself did not know it:

Having heard our Council of State, we have ordained and do ordain as follows:

Art. 1. The petition of the proprietors and owners of the ships *Telegraph* and *Dolly* is rejected, without prejudging any thing of the reservations inserted in their conclusions.

Art. 2. Our Keeper of the Seals, Minister Secretary of State of the Department of Justice, and our Minister Secretary of State of the Department of the Marine and of the Colonies, are charged, each in what concerns him, with the execution of the present ordinance.

Approved the 29th December, 1819.

LOUIS.

By the King, the Keeper of the Seals, Minister of Justice.

H. DE SERRE.

Copy conform to the minute registered at Paris, the 6th January, 1820, by Billard, who had received 29f. 50c. duty included.

The Secretary General of the Council of State.

HOCHET.

Mr. Gallatin to Baron Pasquier.

PARIS, *March* 15, 1820.

SIR: The American brig "Dolly," bound from Liverpool to Havana and New Orleans, with a valuable cargo, was captured or burnt at sea, on the 29th of November, 1811, by the French frigates "Meduse" and "Nymphe." On the 6th December following, the same frigates also captured and burnt the American ship "Telegraph," bound from New York to Lisbon, with a cargo consisting principally of flour. Mr. Barlow, then Minister of the United States at Paris, addressed, on the 12th of March, 1812, a strong remonstrance on the subject to the Duke of Bassano, then Minister of Exterior Relations. The death of the American Consul, with whom the captains of the vessels destroyed had left their powers, and the interruption of the communications, occasioned by the war which took place in 1812, between the United States and Great Britain, created a delay in the regular application of the parties, and prevented an immediate decision. The affair in the meanwhile took the usual course, and was transferred, in 1815, from the Council of Prizes to a Committee of the Council of State. On the application of the parties, I had the honor, on the 9th of June, 1818, to transmit their *memoire* to his Excellency the Duke de Richelieu, and added such short observations as the case seemed to require.

It was with equal astonishment and regret, that I received, a few days ago, the information that the application of the parties for indemnity had been rejected by a decision of the Council of State, of the 23d of December, 1819, on the following grounds:

"Considérant qu'il est constant que le navire le *Dolly* chargé de marchandises à la destination de la Havane, sortoit de Liverpool, port de la domination Anglaise, et que le navire le *Telegraphe*, chargé de farine à Philadelphie, étoit destiné pour Lisbonne, occupé à cette éqoque par les troupes Anglaises; et que, dès lors, ces bâtiments naviguoient en contravention aux décrets de Berlin et de Milan:

"Considérant que la première notification publique qui ait été donnée du décret de révocation des dits décrets, à l'égard des Américains, n'a eu lieu que par les notes insérées dans le Moniteur du huit Mai, 1812, plusieurs mois après la prise des dits bâtimens, et que, dès lors, les capitaines de la Méduse et de la Nymphe ne pourroient, en avoir connoissance; et qu'il paroît même, d'après la note en date du 12 Mars, 1812, attribuée par les requérans au Ministre Plenipotentiaire des Etats Unis, qu'il à cette époque lui-même ne la connoissoit pas:

"Notre Conseil d'Etat entendu," &c.

I must in the first place enter my most solemn protest against this decision, so far as it seems to sanction the Berlin and Milan decrees. These acts were in flagrant violation of the law of nations and of common justice. The United States never acquiesced in them, and have never ceased to claim the indemnity justly due to American citizens for the injuries and losses they suffered by reason of those illegal enactments. But it is unnecessary, on this occasion, to discuss that question. The owners of the *Dolly* and *Telegraph* claimed indemnity solely on the ground of the previous revocation of the decrees, so far as they applied to the American commerce; and it is to that point alone that I beg leave to call your Excellency's attention.

I am at a loss to understand whether, by the decision of the Council of State, it was intended to assert that the ignorance, on the part of the French captains, of the revocation of the decrees, deprives the parties of their right to an indemnity, or to suggest that the revocation was to take effect only from the date of its publication in the Moniteur. Both positions are equally untenable.

The Council of State seems to have been unacquainted with the circumstances which attended the revocation of the decrees, and to have supposed that that revocation depended only on a decree of the 28th of April, 1811, and to have considered this last decree, not as the result of a solemn engagement, but as a mere municipal law, or, at best, as a gratuitous concession to the United States. It is difficult, even on that supposition, to understand how they could omit altogether to take notice of the clause which gives to the decree a retrospective effect. But it is not on that decree, as an insulated act, that the United States found their demand for indemnity. A recapitulation of the facts connected with the revocation will place the question on its true ground. Permit me first to take notice of an error in the statement of the Council.

This error consists in supposing that the Minister of the United States, when writing his letter of the 12th of March, 1812, to the Duke of Bassano, was not aware of the revocation of the Berlin and Milan decrees. His ignorance in that respect, had it been real, would not have affected the rights of the claimants; but the supposition, on the part of the Council of State, that he was unacquainted with it, is an evident proof that their own decision is founded in error, and must be solely ascribed to the facts not having been properly laid before them. If, in his letter to the Minister of External Relations, Mr. Barlow did not mention by name the revocation of the illegal decrees, it was because he considered the burning at sea of two American vessels as a wanton outrage, not at all connected with those decrees, which, indeed, did not authorize any such proceeding. It was, perhaps, also because the revocation was so well known, both to him and to the Duke of Bassano, that it had become unnecessary to refer to it on every occasion. That it was thus known, is sufficiently proven by all the correspondence between them, as it stands in the archives of the department over which your Excellency presides. It will be sufficient for me to quote Mr. Barlow's letter to the Duke of Bassano, of the 6th of February, 1812, and written, therefore, about a month prior to the time at which he is supposed to have been ignorant of the revocation. In that letter (of the 6th of February, 1812) Mr. Barlow complains that the brig Belisarius of New York was about to be confiscated as liable to the decree of Milan, and then says: "I know positively that this American vessel left New York the 17th of June, 1811, seven months after the revocation of the decrees of Milan and Berlin!" He concludes by ascribing the decision to an error of date, by which the year 1810 may have been taken for the year 1811, and asking for a revision of the affair.

The Duke of Bassano, in his answer, dated the 16th of March, 1812, informs Mr. Barlow that the difficulty in that case arose from some irregularity in the ship-papers respecting the ownership, which was a formal contravention of the rules of navigation generally adopted and established at all times; that the vessel and the part of the cargo of which the ownership (*pour compte*) was proven, would be given up, and time allowed to establish the fact that the residue of the cargo was American property, conformably to the ancient rules.

All the facts relative to the revocation of the decrees are, indeed, so perfectly known to the French Department of Foreign Affairs, that I thought it unnecessary, in my letter of the 9th of June, 1818, to his Excellency the Duke de Richelieu, to say any thing more on the subject, but barely to refer to it. I had presumed that every explanation on that point which the Council of State might require, would be of course supplied by that department; and the following statement of facts is intended for that body, and not for the purpose of giving any new information to your Excellency.

It is well known that the Government of the United States attempted, by various successive measures of the most moderate and conciliatory nature, to avert the injuries inflicted on the commerce of their citizens by the unlawful decrees of France and Great Britain, to obtain redress for those injuries, and, above all, to induce both Powers to rescind those decrees, and to adopt a course consistent with justice, and with the acknowledged law of nations.

An embargo of fifteen months' duration was succeeded by the act of Congress, of the 1st of March, 1809, which prohibited the introduction of British and French merchandise in the United States, and interdicted their ports to vessels of both nations. To this temporary act, which expired on the 1st of May, 1810, another was substituted, of the same date, by which it was enacted, 1st, That the ports of the United States should be interdicted to the armed vessels of France and Great Britain; 2dly, That, if either of those two Powers should, prior to the 3d March, 1811, revoke its unlawful edicts, (which fact the President of the United States should declare by proclamation,) the interdiction thus imposed on armed vessels should cease, in relation to such Power; 3dly, That, if the other nation should not, in that case, revoke her unlawful edicts within three months thereafter, the restrictions imposed by the act of the 1st of March, 1809, that is to say, the prohibition to import merchandise, and the interdiction of all vessels, should, at the expiration of three months after the proclamation aforesaid, be revived, in relation to the nation thus refusing to revoke her edicts.

This last act of Congress, of the 1st May, 1810, having been communicated both to the French and to the British Government, the Duke de Cadore, then Minister of External Relations, addressed, on the 5th of August, 1810, a letter to Mr. Armstrong, then Minister of the United States at Paris, in which, after having commented on the various acts of Congress, he says: "In this new state of things, I am authorized to declare to you, that the decrees of Berlin and Milan are revoked, and that, after the first of November, they will cease to have effect; it being understood that, in consequence of this declaration, the English shall revoke their Orders in Council, and renounce the new principles of blockade which they have wished to establish, or that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English."

The execution of this revocation depended, then, on the alternative of two conditions, one of which was not under the control of the United States; but the other was only that they should act conformably to what they had already announced to be their determination.

The President of the United States did, accordingly, by his proclamation, of the 2d of November, 1810, declare, that the decrees of France, in question, had been revoked, so as to have ceased to have effect on the 1st of that month, and that all the restrictions imposed by the act of Congress, of the 1st of May, 1810, were henceforth to cease, in relation to France.

On the same day, the 2d of November, 1810, the Secretary of the Treasury Department of the United States transmitted the President's proclamation to the several collectors of customs, and gave them instructions for the immediate admission of French armed vessels in the ports of the United States, and for the exclusion of all British vessels, and the prohibition of all British merchandise, after the 2d of February, 1811, that is to say, three months after the date of the President's proclamation, in case they, the said collectors, should not, before that day, be officially notified, by the Treasury Department, that Great Britain had revoked her unlawful edicts.

Although both those documents were, at the time, officially communicated to the French Government, copies are again herewith enclosed.

Great Britain not having revoked her edicts, the interdiction of her vessels and merchandise took place accordingly, on the 2d of February, 1811. It received an additional sanction by the act of Congress, of the 2d of March following, and continued in force till the month of June, 1812, when, in addition to that measure, Great Britain still persevering in her refusal, the United States found themselves at last obliged to declare war against her.

The United States having thus, with perfect good faith, fulfilled the engagement contracted by their act of the 1st of May, 1810, and on which the execution of the revocation of the Berlin and Milan decrees was made to depend, it follows, that the right to demand the complete execution of that revocation from the 1st of November, 1810, and an indemnity in every case where injuries were sustained subsequent to that day, by American citizens, under color of those decrees, is fully established as the result of a positive compact, and is altogether independent of any subsequent act of the French Government. That right would remain entire, even if that Government had departed from their engagement, and had attempted to revive the Berlin and Milan decrees with respect to the United States. This, however, was not the case.

On the 25th of December, 1810, two letters were addressed, one by the Duke of Massa, Minister of Justice, to the President of the Council of Prizes, the other by the Duke of Gaete, Minister of Finance, to the Director General of the Customs. Both letters recapitulate the paragraph already quoted, of the Duke of Cadore's letter, of the 5th of August, 1810, to Mr. Armstrong, and the substance of the proclamation of the President of the United States, and of the circular letter of the Secretary of the Treasury Department, of the 2d of November, 1810. The Director General of the Customs is accordingly informed, that the Berlin and Milan decrees must not be applied to any American vessels that have entered French ports since the 1st of November, or may enter in future. By the letter of the Grand Judge, Minister of Justice, it is ordered that, "in consequence of the engagement entered into by the United States, (the President's proclamation, and the circular of the Secretary of the Treasury,) all the causes that may be pending in the Council of Prizes of captures of American vessels, made after the 1st of November, and those that may, in future, be brought before it, shall not be judged according to the principles of the decrees of Berlin and Milan, but they shall remain suspended; the vessels captured or seized, to remain only in a state of sequestration, and the rights of the proprietors being reserved for them, until the 2d of February next, the period at which, the United States having fulfilled the engagement to cause their rights to be respected, the said captures shall be declared null by the Council, and the American vessels restored, together with their cargoes, to their proprietors."

It is not irrelevant to observe, that these two letters were immediately made public in France. They appeared even in a Bordeaux newspaper as early as the 30th of December.

Accordingly, as soon as the restrictions on British vessels and on British merchandise, as announced by the previous acts of the American Government, had actually been carried into effect, on the 2d of February, 1811, and an account of it had been received by the French Government, the American vessels were admitted to entry in the French ports, although they might have been in contravention to the Berlin and Milan decrees; and the vessels which had been captured subsequent to the 1st November, 1810, by virtue of those decrees, were released in all cases where some other objection, unconnected with those decrees, such as the question of ownership in the case of the Belisarius, did not occur.

It was with reference to all these circumstances that his Excellency the Minister of Marine, in a letter of the 30th of November, 1818, to the Council of State, stated that the revocation of the Berlin and Milan decree had been definitively pronounced only on the 2d of February, 1811. His expressions are, "que le Capitaine Raoul, commandant les deux frigates, parti de la rivière de Nantes de 28 Décembre, 1810, n'a pas avoir connoissances de la révocation des décrets de Berlin et de Milan, à l'égard des Américains, révocation qui n'a été définitivement prononcée que le 2 Février suivant." Without admitting the correctness of that statement in all its parts, it is at least evident that the Minister knew, and that the Council of State might have seen, by that letter, that there was some other act besides, and previous to the decree of the 28th of April, 1811, by which the revocation had been already definitively pronounced.

The general admission of American vessels to entry was announced to Mr. Russell, Chargé de Affaires of the United States, by a letter of the Duke of Bassano, of the 4th May, 1811. To prove that no distinction was made with respect to vessels, in contravention to the Berlin and Milan decrees, it will be sufficient, in addition to the case of the Belisarius, to mention that of the New Orleans Packet.

That vessel arrived from Gibraltar, at Bordeaux, the 3d of December, 1810, and had, besides, been boarded by two public British vessels. She was immediately, for these express causes, seized by the Director of Customs, as having violated the Milan decree. On the representation of the American Chargé d'Affaires, and in conformity with the letter of the Minister of Finances, of the 25th of December, 1810, which has already been quoted, the vessel and cargo were restored to the consignees, on giving bond to pay the estimated value, should it definitively be so decided. And, according to orders given to that effect, the bond was cancelled shortly after the date of the Duke of Bassano's letter of the 4th of May, 1811.

With respect to vessels captured subsequent to the 1st of November, 1810, I can appeal to the records of the Court of Prizes for proof, that not a single one was condemned for a contravention to the Berlin and Milan decrees. The archives of this legation, though necessarily defective in that respect, enable me to mention the following vessels, viz: Two Brothers, Good Intent, Star, Neptune, and Acastus, all of which, having been captured and brought into port for having contravened those decrees, were acquitted and released, in consequence of their revocation. Whether, besides the Dolly and Telegraph, there might not be some other cases which remained undecided in April, 1814, I cannot positively assert. There is none within my knowledge.

It is material to add, that all the vessels which I have mentioned, were released before the 8th of May, 1812, the day on which the decree of the 28th of April, 1811, is stated, by the Council of State, to have been published in the Moniteur. And your Excellency may have perceived, that, in the preceding statement of facts, I have not alluded to that decree. Indeed, if the Council of State, instead of suggesting that the revocation of the Berlin and Milan decrees was unknown to the Minister of the United States, at the time when he wrote his letter of the 12th of March, 1812, had only said, that he was unacquainted with the decree of the 28th April, 1811, I would, whilst showing, as I have done, that his ignorance in that respect was irrelevant to the question, have acknowledged the fact to be true. That decree was first communicated to him on the 10th of May, 1812, and did not reach the Government of the United States till the 13th of July following, that is to say, one month after war had been declared against England. It, therefore, had no effect on any of their acts, or any part of their conduct. The compact was complete without it, and rested on the official declarations of the Minister of Foreign Relations, and on the execution of the engagement on the part of the French Government. In that manner what Government chose to announce the revocation to its officers and subjects, was immaterial to the United States. The only point in which they were concerned, was, that that revocation should, according to the engagement, be faithfully carried into effect. And this is the reason why I thought it necessary to show in what manner it was executed in France. Why the publication of the decree of the 28th April, 1811, was delayed, is not known to the United States, and they have no interest in knowing it. The delay cannot affect them, since their rights, founded on compact, are independent of the decree, and would be precisely the same if it had never been enacted.

Had all these facts been brought within the view of the Council of State; had that body been aware that the revocation of the Berlin and Milan decrees had been the result of an engagement taken by the French Government, on a condition which had been faithfully fulfilled by that of the United States; had they been informed that it was thus considered by the former Government of France, and that every decision which had heretofore taken place in relation to American vessels, was consistent with the principle that those decrees had ceased to have effect with respect to American commerce, from the 1st of November, 1810; it is impossible to suppose that the presumed ignorance of that revocation, on the part of the captains of two French frigates, could have been alleged as a reason why the owners of the Dolly and Telegraph should not be indemnified for the destruction of their vessels and cargoes, more than one year after that date.

That ignorance on the part of the captains may be accepted as a sufficient justification for every part of their conduct, so far as respects their responsibility towards their own Government, if that Government thinks it proper. That is a point in which the United States have no concern. But that circumstance cannot release the Government of France from their engagement with that of America, that the decrees should have no effect after the 1st of November, 1810, nor from the obligation of indemnifying the American citizens who may, in contravention of that engagement, have sustained losses by the erroneous application of those decrees subsequent to that day.

The Government of France, having once entered into that engagement, became responsible for its faithful and complete execution. The solemn promise was made the 5th of August, 1810, and it became irrevocable, provided the condition attached to it was fulfilled. In postponing the execution till the 1st of November, an epoch fixed by the French Government itself, time was taken, sufficient in its own opinion, to give the necessary orders, and to insure the performance of the promise. It became the duty of that Government to give instructions to that effect to their tribunals and officers; and they are bound to indemnify, if, through neglect, or any other cause, some of their naval officers were not duly instructed, and American citizens have suffered any injury on that account. The condition annexed to the revocation, as announced on the 5th of August, 1810, was only that the United States should act in conformity with the act of Congress of the 1st of May preceding. As there was, of course, the strongest probability that that condition would be fulfilled, and that the revocation would, as in fact it did, take effect on the 1st of November following, orders ought to have been immediately issued to prevent, after that day, any act violating the engagement. It may be added, without attaching much importance to the fact, that the President's proclamation and the Treasury circular, of the 2d November, 1810, were communicated by Mr. Russell to the Duke of Cadore, on the 17th of December following; that is to say, eleven days prior to the sailing of the Medusa.

In the case of the Dolly and Telegraph, there are two distinct acts committed by the captains of the French frigates—the capture of the American vessels, and afterwards their destruction. In all cases of capture, the United States have a right to demand a trial by a competent tribunal. According to the present jurisprudence of France, that tribunal appears to be the Committee of the Council of State, known by the name of "Comité du Contentieux." The first question they had to decide was, whether the capture was legal or not. On that question there could not have been any hesitation. The series of the acts connected with the revocation, the decree itself of the 28th of April, 1811, all the former precedents, all the decisions of the Council of Prizes, left not the smallest doubt that the Berlin and Milan decrees had ceased to have effect, on the 1st of November, 1810, and that any subsequent capture, founded on those decrees, was illegal and null. Indeed, there would have been no difficulty, if the captains of the frigates, ignorant of the revocation, had only captured the Dolly and Telegraph and sent them into port for adjudication. Those two vessels would have been acquitted and restored, as were all the other American vessels that were brought into French ports, under similar circumstances. Instead of pursuing this course, the French captains plundered and burnt the ships. This act renders the restoration impracticable; but, the capture being illegal, it does not, at least, release the French Government from its responsibility.

A belligerent has a right to capture, and, at his discretion, to destroy the vessels of the enemy.

With respect to neutrals, he can only capture, and send in for adjudication, the vessels pursuing a trade contrary to the duties imposed on neutrals, by the law of nations. It is already sufficiently hard on them that the decision should be made by a tribunal of the belligerent Power. But the benefit of such trial was never denied to them, not even by the Berlin and Milan decrees. Those decrees declared, in violation of the law of nations, neutral vessels liable to capture and condemnation for pursuing a legitimate commerce; but they did not change the course of proceedings with respect to the mode of decision. A trial and condemnation, by a competent tribunal, were still necessary. Navy officers, by the law of nations, never are, and even by those decrees were not, authorized, in any case, to burn at sea the vessels of a nation at peace. Such an act is a wanton outrage, wholly unjustifiable, and for which, if at any time committed, even under a plea of necessity, the nation is always responsible. The most aggravating circumstance of the whole case cannot, in any view of the subject, be adduced as a reason to defeat the right of the parties to an indemnity. That indemnity is equally due by the Government of France; that Government is equally responsible for the outrage committed by the officers of its navy, whether the act be owing to neglect, in not issuing in time the necessary orders, to improper or unauthorized conduct on the part of the officers, or to any other cause.

Having laid before your Excellency what, I trust, will be considered a conclusive statement of facts, it grieves me to be compelled to say, that the decision of the Council of State, of the 19th of December last, is the first positive act by which the Government of France seems to have considered itself as released from the solemn obligation contracted with the United States, "that the Berlin and Milan decrees were to cease to have effect, after the 1st of November, 1810." And it has afforded me great relief to find, on the face of that ordinance, irrefragable proofs that it must be ascribed to an unintentional error, arising from the Council not having been put in possession of all the material facts connected with the case.

I apply, therefore, to your Excellency, with perfect confidence in the justice of His Majesty's Government, and have the honor to request, 1st, that you will be pleased to lay the subject before His Majesty, in order that the ordinance, of the 23d of December last, may be rescinded, and a revision of the affair ordered. 2dly, that when brought again before the Council of State, you will have the goodness to have all the facts relative to the revocation of the Berlin and Milan decrees fairly laid before that body, in order that the owners of the Dolly and Telegraph may receive the indemnity justly due to them for such a wanton and unjustifiable outrage as the destruction of their vessels and cargoes.

I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

His Ex'cy Baron Pasquier,
Minister of Foreign Affairs, &c.

No. 143.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

Paris, *April* 27, 1820.

"Mr. Pasquier has also informed me that he had referred to the Minister of Justice my remonstrance, of the 15th March last, against the decision of the Council of State, in the case of the *Dolly* and *Telegraph*. This a very unusual course in an affair where our rights are founded on a positive agreement between the two countries—an agreement entirely political, and in which the Minister of Foreign Affairs was the organ of the French Government."

No. 147.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

Paris, *June* 9, 1820.

"Being yet without instructions, on the subject of our claims for indemnity, I acquiesced in Mr. Parish's wish to lay the Antwerp cases before the Department of Foreign Affairs; and have the honor to enclose the copy of a letter which I wrote to Mr. Pasquier on that subject."

In duplicate of Mr. Gallatin's, No. 147.

Paris, *May* 9, 1820.

Sir: I had the honor, on the 11th of February, 1819, to transmit to his Excellency General Dessolle, a memorial of Mr. David Parish, to his Excellency the Minister of Finances, relative to certain American vessels and cargoes sequestered at Antwerp, in the beginning of the year 1807; and I now beg leave to transmit a new application of that gentleman, addressed to your Excellency. Permit me to add a few observations to those contained in those memorials, and in my letter of the 11th of February, 1819, to General Dessolle.

The only extraordinary French decree in force, when those vessels arrived at Antwerp, was that of Berlin, dated the 21st November, 1806. Some of its enactments were unjust, and contrary to the law of nations; yet it made merchandise liable to confiscation, only in case of its being British property, or of the manufacture or produce of Great Britain or her colonies. With respect to vessels coming from England, it was by that decree only declared that they should not be received in French ports; and such vessels were, with their cargoes, made liable to confiscation only in case they should have contravened that provision by means of a false declaration. It was not until the 17th December, 1807, that, by the still more arbitrary decree of Milan, neutral vessels, which might have been searched by an English ship, or sent to England, were declared to be denationalized, and good prize.

The vessels in question were bound from the United States to France, but had on their passage been sent forcibly to England, and were afterwards released. They do not seem to have come, in any shape, within the purview of the Berlin decree.

But even if considered as coming from England, within the meaning of the act, as they had not concealed the fact by any false declaration, the utmost penalty to which they were liable by that or any other existing decree, was not to be received in a French port. Their being nevertheless admitted and sequestered, instead of being sent off, was the act of the French Government. They were detained, as will immediately be shown, only in order to ascertain whether there was not some other contravention of the decree—whether the cargo, or some part of it, was not British property. Unless this can be established, or that they had made a false declaration, the simple fact of their having arrived at Antwerp from an English port did not make them liable to confiscation.

By an Imperial decision of the 2d July, 1808, the cargoes being of a perishable nature were ordered to be sold, and the proceeds to be placed as a deposite in the *caisse d'amortissement;* and an inquiry was directed to be made, in order to ascertain whether the property was not English. His Excellency Baron Louis, to whom, as Minister of Finances, the memorial of Mr. Parish abovementioned had been addressed, wrote to him on the 22d May, 1819, that the proceeds of the sales had been withdrawn, by superior orders from the *caisse d'amortissement*, and paid into the public treasury; and he adds that they were thereby definitively acquired by the State. He has communicated neither the date nor the tenor of those orders. That he should have considered them as precluding him, on his own authority, and without the sanction of Government, from ordering the money to be repaid to the American owners, may be understood; and it is presumed that this was his meaning. He cannot have intended either to pronounce on the merits of the case, or to maintain the untenable position that the transmission of the money from one public chest to another could have affected the rights of the parties. Its being expended for public purposes, instead of remaining as a deposite, is a proof of the wants of Bonaparte, but it is not a decision on the case. A definitive confiscation, even under the Imperial *regime*, could only take place with the usual forms, and by virtue of a direct and positive act to that effect. All that was done by that Government with respect to this property was the order of sale, the order to place the proceeds in some public chest, and the inquiry relative to the ownership. No final decision, no condemnation, has ever taken place.

It happens, even that, with the exception of these vessels and of four others consigned to Mr. Ridgeway, the American Consul at Antwerp, all the other cargoes sequestered in that port, under similar circumstances, were delivered to the owners, and that the conditional bonds they had given were returned to them. The principle has thus been decided in favor of the claimants, and nothing remains but to apply it to their special case.

Having received special instructions from my Government in regard to this claim, it is in its name that I beg leave to call your Excellency's attention to Mr. Parish's memorial, and that I ask for that decision which justice requires, and which has been but too long protracted.

Your Excellency will perceive that this decision does not depend on the question of the legality or illegality of the Berlin and Milan decrees, and that I have argued as if those acts had been valid. Although they cannot certainly be admitted as such by the Government of the United States, it is a question unconnected with the present case, and which is reserved for a future discussion.

I request your Excellency to accept the assurances, &c.,

ALBERT GALLATIN.

His Excellency Baron Pasquier,
Minister of Foreign Affairs, &c.

Extract of a letter from Mr. Adams, to Mr. Gallatin, dated

Department of State,
Washington, March 31, 1821.

"Mr. Archibald Gracie has again solicited some special interposition of this Government to press that of France for an adjustment of his claim. He considered it as standing upon grounds so clear and incontrovertible, that the French Government cannot ultimately resist the equitable obligation of providing for it.

"The Government of the United States cannot undertake to discriminate between the comparative merits of the claims of their citizens upon the Government of France. It asks justice for them all; it asks no more than justice for any. More than two years since, the claims of Mr. Gracie, and all the Antwerp cases, were recommended to your special attention, in the presumption that, standing on ground peculiarly imposing on the French Government, it would not be able to resist them, and that success in those cases would pave the way for it in all others. It is in this view, that is, by pressing this, and the Antwerp cases generally, the other cases would not only not be injured, but benefited, that your attention to them is suggested. The force of example, added to the other powerful considerations in their favor, might do much. But that is left altogether to your judgment, aided as you are by all the lights belonging to the subject; and, unless you shall be satisfied that the proposed pressure will have the good effect contemplated, it is expected that you will of course decline it."

Mr. Adams to Mr. Gallatin.

Department of State,
Washington, June 29, 1821.

Sir: I have the honor of enclosing, herewith, a copy of a letter received at this Department some time since, from Mr. Connel, as agent for sundry insurance companies in Philadelphia, having claims upon the French Government; upon which I would refer you to the letter which I lately wrote you concerning the case of Mr. Gracie's claim. These gentlemen appear to have received recent information, upon which they place some reliance, indicating on the part of the French Government a disposition more favorable to claimants upon their justice, than had been previously manifested. Should any prospect of that nature be perceived by you, your own disposition to make it available for the benefit of the sufferers, will, itself, serve the purpose of a standing instruction.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

No. 193.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, *November* 15, 1821.

"Mr. de la Grange, the lawyer generally employed in American cases, having requested me to transmit to the Minister of Foreign Affairs a copy of his memoir in the appeal of Richard Faxon, now pending before the Council of State, for indemnity on account of a seizure made at Santander, in the year 1812, I addressed to Mr. Pasquier, on the 31st ultimo, a note on the subject, copy of which, as well as of the said memorial, I have the honor to enclose. You will perceive that I took that opportunity of reminding the Minister of the case of the 'Dolly' and 'Telegraph,' on which it does not seem that the Minister of Justice has yet made any report."

[TRANSLATION.]

Mr. Gallatin to Baron Pasquier.

PARIS, *October* 31, 1821.

SIR: I have the honor to transmit to your Excellency, under this cover, a memorial addressed to the King, in his Council of State, for Richard Faxon, a citizen of the United States, who complains of a judgment of the Board of Finances, approved by his Excellency the Minister of the same department.

The question is, of a seizure made by the French customs, in 1812, at Santander, in the stores of Joachim Munios, of a quantity of sugars, belonging to said Faxon. The Board of Finances seems to have dismissed his claim, from supposed presumption that he was not the proprietor; and your Excellency, by glancing over the memorial, will be convinced that there can be no doubt in this regard.

But the board has, if I may be allowed the expression, reserved a subsidiary question, that of knowing if a citizen of the United States could pretend to any indemnity for having suffered, in this part of Spain, the application of the laws of France, which then aimed at colonial goods. Ignorant of what laws the board speaks, I can only observe, generally, that none could ever give the right of seizing, without indemnity, upon the known property of a citizen of the United States, deposited, for three years, without having been there molested, in the stores of his correspondent.

As it is, however, possible, that the laws in question may be no other than the Berlin and Milan decrees, and the different imperial or administrative decrees which have been the consequence of them, I pray your Excellency to be pleased to lay before the Council of State the correspondence between the Ministers of the Government, from that time, and those of the United States, as well as the other documents, which prove that these decrees had been repealed, in regard of the United States, long before the seizure of the sugars of Mr. Faxon.

I ought also to remind your Excellency of another affair, more important for the principles which apply to it, but which depends, likewise, upon the date of the repeal of these two celebrated decrees. I had the honor to address to you, under date of 15th March, 1820, a very long note on the subject of the decision of the Council of State, by which the claim of the proprietors of the vessels *Dolly* and *Telegraph*, burnt on the open sea by two French frigates, in November and December, 1811, was rejected. This decision could only have taken place because the documents, proving the date of the repeal, had not been laid before the Council; but is supported by considerations which can only produce the most troublesome effects. I can assure your Excellency, that the revision is of high importance, and I hope that you will judge, that a delay, which is already upwards of twenty months, ought to be no farther prolonged.

I pray your Excellency to accept the assurance, &c.

ALBERT GALLATIN.

No. 200.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated

PARIS, *January* 14, 1822.

"I have the honor to enclose the copy of a note which I wrote on the 10th instant, to the Minister of Foreign Affairs, on the subject of the Antwerp claims."

PARIS, *January* 10, 1822.

SIR: I had the honor on the 9th of May, 1820, to transmit to your Excellency's predecessor, a memorial of Mr. David Parish, relative to the American cargoes sequestered at Antwerp in the beginning of the year 1807, and to add some observations in support of the claim. Twenty months having since elapsed, a time amply sufficient to make every inquiry respecting the merits of the case, I have been instructed by my Government to renew the application, and to call, in the most forcible manner, the earnest attention of His Majesty's Ministers to that subject.

In urging a decision on this reclamation, separately from others, there is not the most distant intention of abandoning the other claims of citizens of the United States for the indemnities so justly due to them. But it is time, after so many delays, to obtain at least a decisive answer, and to ascertain the determination of the Government of France in that respect. And this claim has been selected because it is altogether free of any of the objections, however unfounded these may be, which have been suggested in regard to other cases.

It is not, in the first place, necessary in this instance, to discuss questions connected with the illegality of any of the decrees contravening the law of nations, which were issued by Bonaparte. The vessels in question had not violated any of those decrees; their cargoes were not liable to confiscation by virtue of any provision contained in any edict in force at the time of their seizure.

And, secondly, not only is the case entire; not only has there been no trial or condemnation of the cargoes; but the principle, that they were not liable to confiscation, has been settled, by the decisions of Government in analogous cases, and even with respect to portions of the identical property for which indemnity is now claimed.

I trust that I will be able to establish both these positions, to your Excellency's satisfaction.

The only extraordinary decree of the French Government affecting the navigation of neutral nations, in force at the time of the arrival of the vessels alluded to, in a French port, was that issued at Berlin, the 21st of November, 1806.

It was, by that decree, amongst other provisions, declared, 1st, that merchandise belonging to a British subject, or being the produce or the manufactures of colonies of Great Britain, should be condemned as good prize, (Article 5 and 6;) 2d, that no vessel coming directly from England, or from her colonies, or going there (*qui s'y rendra*) after the known publication of the decree, should be permitted to enter any French port, (Article 8;) 3d, that every vessel contravening the decree by a false declaration, should be seized, and her cargo confiscated as British property, (Article 9.)

During the first months subsequent to that decree, a number of American vessels arrived in France, coming from the United States, but having on their passage been compelled to stop in England, either by British cruisers or by stress of weather. The question arose, whether it was intended by the 8th article of the decree, to exclude only vessels which had gone voluntarily to an English port, or whether it included even those which had been compelled to do it by what is called *relâche forcée*. The words used in the article, *venant directement*, and *qui s'y rendra*, seemed to favor the first construction; and it was clear that if the last was adopted, British cruisers had nothing to do but to stop for a few days every neutral vessel bound to France, in order to destroy her external commerce. These, however, were questions for the French authorities exclusively to decide. It was altogether in their power to have decided that the vessels in question were embraced by the decree, and to have refused to admit them in any port. The Minister of Finances, impelled by what was evidently for the interest of the French commerce, allowed the cargoes to be provisionally landed and deposited in the public stores until the decision of Bonaparte on the question was known; and permitted, also, that they should be delivered to the consignees on their giving an obligation to pay to the custom-house the estimated value thereof if so ordered by that decision. It was, therefore, by the act of the French Government, that the vessels landed their cargoes instead of being ordered off. And that provisional construction continued in force till the 4th of September, 1807, when the Director General of the Douanes announced, by a circular, "That the Emperor had decided that the 8th and 9th articles must have their full and entire execution, and that no vessel which had touched in England, or been conducted there, could be admitted." "Thus," added the Director, "the immediate retrogradation of those vessels shall be required, whatever be the alleged causes of superior force, and the documents produced in proof thereof. Those which, by a false declaration, may conceal the fact of having touched in England, and succeed in thus entering our ports, shall be seized, and the vessels and their cargoes shall be proceeded against in the form prescribed by the decree, in relation to English property." In conformity with this decision, several American vessels, bound to Antwerp, were sent away, amongst which may be mentioned, the "Dragon" and the "Two Brothers," and also the Orozimbo, belonging to one of the owners of the cargoes for which indemnity is now claimed, although her cargo had already been actually landed. It would have been fortunate for the owners of the merchandise, which is the object of this reclamation, that this decision should have been made from the first, or that when made, it should have been applied to their property.

Amongst the American vessels arrived from the United States in French ports, in the year 1807, prior to the decision of the 4th of September, and which had been compelled to touch in England, seven came to Antwerp, consigned to two American houses; the Bordeaux Packet, Helena, North America, and Diamond, to that of Mr. Ridgway; and the Perseverance, Hiram, and Mary, to that of Mr. Parish. The consignees declined availing themselves of the option offered by the French authorities to receive the cargoes on giving bond for their value, to abide by the final decision of Bonaparte.* They preferred that the cargoes should remain in the custom-house stores subject to that decision. Their motive was obvious.

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* To this there were two exceptions, the consignees having subscribed obligations, 1st, for a small quantity of potash, (about fifteen thousand francs in value,) received and sold by them on the first arrival of the vessels; 2dly, for the value of some of those vessels, in order to enable them to leave the port. The others were permitted to depart without the bond being required.

It was only by the subsequent decree of Milan, of the 23d November, 1807, that it was enacted, "That all vessels which, after having touched in England, might, from any motive whatever, enter the ports of France, should be seized and confiscated, as well as their cargoes, without exception or distinction of produce or merchandise." The only causes of confiscation by the Berlin decree, were, concealment of the fact of having touched in England; and the merchandise being either British property, or the produce of England or of her colonies. It was known to the consignees, had already been acknowledged, and was further substantiated by a subsequent inquiry, that every part of the cargoes belonged to American citizens, and that no part was the produce of Great Britain, or of her colonies. It was equally known, and has never been denied, that the captains of all the seven vessels had, on their first arrival, made no concealment; that they had all made true declarations of the compulsory touching in England, (*relâche forcée.*) The expected imperial decision could, therefore, only apply to the doubtful question, whether the vessels and cargoes in that predicament embraced, or not, by the article of the decree, which forbade, in general terms, the admission of vessels that had touched in England, whether the cargoes in question should be admitted or sent away. In case the decision should be that the vessels were, notwithstanding, the *relâche forcée*, included in the article of the decree, and that the cargoes were inadmissible, they might, by remaining in the public stores in their original state be sent out of France, and the decision be strictly complied with. But if, instead of that, those cargoes were sold, (and the consignees could have had no object in receiving them, but that of selling them,) the exportation could not have taken place in conformity with the decision; and the consignees, unable to comply with it, might have been compelled to pay the amount of the bond, which would have been tantamount to a confiscation of their property.

The decision of the 4th of September, 1807, being made only prospective, the consignees at first hoped that the cargoes of the seven vessels previously arrived, would be admitted to be sold for home consumption, and accordingly delivered to them. But when they found themselves disappointed in that respect, adhering to the same line of conduct which they had pursued, not to depart from the enactments of the Berlin decree, they applied, on the 22d of March, 1808, to the Director General of the Douanes, and on the 7th of April ensuing, renewed the application, both to him and to the Minister of Finances, stating that the steps they had taken to obtain the definitive admission of that merchandise having been fruitless, and the goods, especially the potash, rice, brown sugar, and cochineal, becoming gradually damaged in the *entrepôt*, they now asked the permission to export the merchandise to a foreign country, and that in conformity with the decree of the 21st of November, 1806.

In answer to that petition Bonaparte ordered, by a decision of the 2d of July, 1808, that the cargoes should be sold, and the proceeds deposited in the *caisse d'amortissement*, and that an inquiry should be made on each of the vessels which had brought in the cargoes, in order to ascertain whether the owners were not British. On this decision, it is only necessary to observe that it corroborates what has already been stated, and was, indeed, evident, that no concealment having been made by the captains of their *relâche forcée* in England, no other cause or pretence for confiscation could be, or was alleged, than the apprehension that the property was British, or of British origin.

To the sale of the cargoes for the purposes intended, the consignees did of course object; and they succeeded in preventing it for two years. But to that part of the decision which ordered an inquiry, they cheerfully submitted, and communicated all the documents, papers, and letters, connected with the vessels and their cargoes. A severe scrutiny took place, the result of which was altogether favorable, it being proven, in the clearest manner, that the cargoes were exclusively owned by American citizens. Of their origin there does not appear to have ever existed any doubt.

The merchandise, notwithstanding the result of this inquiry, was not restored to the consignees. By a decree dated at Ebersdorf, the 29th of May, 1809, 780 barrels of potash and pearlash, making part of the cargoes of the Perseverance and Mary, were put at the disposal of the Minister of War, and the estimated value directed to be paid by him in the *caisse d'amortissement*. That portion of the cargoes was accordingly taken from the entrepot and delivered to that department, having previously been valued at near 450,000 francs, notwithstanding a deduction, made on account of the damages arising from the long detention in the public stores. Finally, the whole residue of the cargoes was sold in June, 1810, by virtue of an imperial decision, of the 4th of May, of that year. It is asserted, that, by virtue of an order subsequent to the sales, which has never been published nor communicated, the proceeds of those sales were ultimately paid in whole, or in part, into the public treasury.

Your Excellency must agree with me, that, from the preceding statements of facts, it evidently follows, 1st, That, as I had stated in the beginning of this letter, there has been, in this case, no violation of any existing decree, that the cargoes were not liable to confiscation by virtue of any provision contained in any edict then in force; 2d, That the consignees uniformly took those decrees as the basis of their conduct, and committed no act which might impair the rights of the owners of the property; 3d, That, by allowing the cargoes to be deposited in the public stores, until the decision of Bonaparte was known, whether the vessels were or were not embraced by the article of the decree which forbade the admission of those which had gone to England, a formal engagement had been contracted on the part of Government, to permit the exportation of the merchandise in conformity with the decree, in case the decision was against its being admitted for home consumption; 4th, That although nothing could be farther from the views of the Minister of Finances, yet it was solely owing to the doubts he entertained respecting the construction of the Berlin decree, that the cargoes fell in the possession of the custom-house; that it was the unforeseen consequence of his act, which was that of the proper French authority in that case, that the above mentioned engagement not having been fulfilled, the owners have, by a flagrant injustice, been to this day deprived of the merchandise and of its proceeds.

The fact that there has been no trial or condemnation of the property is notorious; and I would at once proceed to the decisions made in analogous cases, was it not necessary to take, in the first place, notice of a most extraordinary unfounded inference, drawn from a fact immaterial in itself, and which, although not officially communicated, has been made known to me by the parties.

Amongst the several applications for indemnity, made at different times, and in various shapes, by the consignees, a memorial had been addressed to the Minister of Finances, by Mr. Parish, which, at his request, I transmitted on the 11th of February, 1819, to Marquis Dessolle. I wrote again to that minister on the same subject, on the 23d of March following, and had requested, that a report intended to be made by the direction of the Douanes to the Minister of Finances, might be communicated to me. This was not done: but H. E. Baron Louis wrote to Mr. Parish on the 22d of May, of the same year, that the proceeds of the sales had been withdrawn, by superior orders, from the *caisse d'amortissement*, and paid into the public treasury; and he added, that they were thereby definitively acquired by the State. This inference appeared so preposterous, that, when alluding to it in my letter of the 9th of May, 1820, to H. E. Baron Pasquier, I said, that I presumed the meaning of the Minister of Finances to have simply been, that he considered the orders in question as precluding him, on his own authority, and without the sanction of Government, from ordering the money to be repaid to the American owners.

The assertion having, however, been made in that broad way, I am compelled to refute it. But I beg your Excellency to be persuaded that I do it only in an hypothetical way, and in the discharge of my responsibility, and that I do not suppose, or mean to insinuate, that it ever has been, or can be, the intention of His Majesty's Ministers, seriously, to resort to such an untenable pretence, for the purpose of avoiding the payment of a just debt. I consider the objection as being the work of a subordinate agent, whose duty it may have been to collect whatever might be suggested against claims on the public treasury, and the communication to Mr. Parish, as only intended to afford him the means of knowing and repelling every such suggestion. For that purpose, the following observations will, it is hoped, be deemed conclusive:

1. It was agreed, by the 22d article of the convention between France and the United States, of the 30th September, 1800,* which was in full force when the vessels in question arrived at Antwerp, that the established courts for prize causes should alone take cognizance of them; that whenever such tribunal, of either of the parties, should pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence, or decree, should mention the reasons, or motives, on which the same should have been founded; and that an authenticated copy of the sentence, or decree, and of all the proceedings in the case, should, if demanded, be delivered to the commander, or agent, of the said vessel. By the 10th article of the Berlin decree, the Council of Prizes at Paris was, accordingly, charged to decide on all cases arising under the said decree, in the following words: "Notre 'Conseil des Prises à Paris est chargé de décider 'de toutes contestations qui pourront s'élever au 'sujet des prises qui en vertu du présent décret 'pourront être faites, tant dans notre empire que 'dans les pays occupés par nos troupes." There having never been any trial, in the cases in question, before the Council of Prizes, there can have been no condemnation of the property, in conformity either with the solemn obligations of the treaty, or with the provisions of the only decree in force at the time, and applicable to those cases.†

2. Independent of any of the considerations drawn from treaty obligations, or from the provisions of the decree itself, it is equally repugnant to the principles of the law of nations, as generally recognised by the civilized world, and to those of the municipal laws of any civilized nation, to consider the order in question as implying the condemnation of the property of the parties, or as, in the smallest degree, affecting their rights. There was not, in this case, even the form of a trial; no hearing of the parties; no notice given to them of any alleged grounds of condemnation, or even of any intention to bring them to a trial. Nor was the order alluded to communicated to them, or made public, either in the bulletin of laws, or in any other manner. On those topics it is unnecessary to dwell—it is sufficient to have stated them. I will only observe, that, without publicity in laws or decrees, there would be no guarantee

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*The convention was to be in force for eight years, from the date of the exchange of the ratifications, which took place at Paris on the 31st of July, 1801.

†This provision appears to have been omitted in the Milan decrees of the 23d of November and 17th December, 1807. But even then, condemnations took place only by virtue of special and positive imperial decisions to that effect, and were not inferred from an order to pay in the treasury. Thus, in the case of the *Sally*, condemned under those decrees, the Minister of Finances wrote on the 6th of November, 1810, to the Director General of the Douanes, "J'ai l'honneur de vous informer que *par décision* du 30 Octobre dernier, Sa Majesté *a ordonné la confiscation* du navire Américain la Sally, Capitaine M. Brown, ainsi que de sa cargaison, pour cause de deux relâches en Angleterre.

for the rights of individuals; that publication has, therefore, by the laws of every well-ordered country, of France as well as of every other, always been made a necessary ingredient of any judgment or decree affecting such rights; and that the fact of the order, in this case, not having been published, or at least communicated, is alone a conclusive proof that it was a mere administrative order, binding on the public functionaries to whom it was directed, and in no shape impairing or affecting the ultimate rights of the parties.

3. The official reports and acts of Government, since the restoration, are in direct contradiction with the inference attempted to be drawn, that the payment (*versement*) into the treasury, or the application to public purposes, of funds before deposited there, is tantamount to a definitive acquisition to the State of such funds, and releases it from the obligation of repaying the same. This will be fully demonstrated by the following quotations from the report of the Minister of Finances (Baron Louis himself) of July, 1814.

[The French is here, as in every other place where it occurs in the document, omitted, when supplied by a translation.]

"The *caisse d'amortissement* was instituted as a depositary of the funds of securities; the judiciary deposites, and several individual deposites, were intrusted to it on a provision of restitution. All these funds were, for a long time, by the orders of the chief of the Government, employed for the expenses of the State; ——. The funds deposited in the *caisse d'amortissement*, are the securities—they amount —— to the sum of ——, (of which it) has only actually received a sum of ——. The surplus has been paid over, and remains in the Treasury, for 88,675,000 francs, &c. The judiciary deposites placed in the *caisse d'amortissement*, amount to 11,814,000. The other funds in deposite, are —— total 7,358,000. The reimbursements on these funds have been continued, &c.

"The funds deposited in the *caisse de service*, amount —— tot. 43,000,000. The reimbursements of the funds deposited have been faithfully continued, although they had been expended, &c.

"The necessity of anticipations introduced them from the commencement of each duty, and they have often been extended to all the funds which this Minister (of Finances) could obtain, and they have devoured the funds deposited, &c. The arrearage of the Minister of Finances on the 1st April, is composed of deposites expended," &c.

I must here beg leave to observe, that I do not mean to say, that H. E. Baron Louis was inconsistent with himself with respect to the question relative to the proceeds of the Antwerp cargoes. The transaction was probably unknown to him, or not attended to at the date of the report alluded to; or he may, at that time, have already been told, that they made no part of those deposites (*dépots consommés*) which Government was bound to reimburse. All that concerns me is, to refute the inference, as made in his letter to Mr. Parish, that such deposites were acquired to the State merely because they had, by superior orders, been withdrawn from a certain *caisse*, and paid (*versés*) in the Treasury. And it follows, irresistibly, from the quotations I have made, that it was the general habit of the head of the Government, at that time, to apply, to the expenses of the State, whenever exigencies required it, every species of deposited funds, without regard to their origin, or to the particular chest in which they were deposited; that the proceeds of the Antwerp cargoes would not have been any more respected had they been nominally left in the *caisse d'amortissement*, instead of being transferred (*versés*) into the treasury; that the funds originally deposited, although withdrawn and expended, (*consommés*) continued to be faithfully reimbursed by Government, and especially that the payment (*versement*) in the treasury did not, as is clearly proven in the instance of the *cautionnemens*, operate as a release from the obligation of reimbursing the funds thus diverted and expended. I will add, that, although those *cautionnemens* are not, from their nature, generally considered as a debt, the payment of which may be required, (*dette exigible*) yet a very considerable portion has actually been reimbursed to the functionaries or persons belonging to territories formerly annexed to France, which make no longer part of it.

4. The Council of State has decided, in an analogous case, that the payment in the treasury was not tantamount to a condemnation. In January, 1810, the American vessel Eagle had been captured within five leagues of the shore, by a French privateer, and conducted to the port of Passage. The captured and captors made a compromise on the subject; but the vessel and cargo were seized, sequestered, sold, and the proceeds paid in the treasury, by virtue of the decrees passed at that time by Bonaparte, under color of reprisals. The case was brought before the Council of State, who, on the 20th of April, 1820, ratified the compromise above mentioned, notwithstanding the opposition both of the captured and the general direction of the Douanes. The first reason assigned for this decision is in the following words: "Considérant qu'il n'existe dans l'espèce aucun acte qui ait prononcé la confiscation du navire l'Aigle au profit du Gouvernement François." This case and that of the Antwerp vessels may differ in many other respects; but the Eagle was included in the general, arbitrary, and unjustifiable seizures, known by the name of the St. Sebastian sequestration; and the vessels and cargoes, thus sequestered, are, so far as relates to the particular question now under discussion, precisely in the same predicament as the Antwerp cargoes. They were equally sold, nearly at the same time, and the proceeds were equally, by a similar order, paid in the treasury and applied to public purposes. Indeed, from the comparison of dates, and other information obtained, I may assert that the identical order by which the proceeds of the Antwerp cargoes were directed to be paid in the treasury, included all the others which had been sequestered; and, amongst them, the St. Sebastian and Passage vessels and cargoes, including the Eagle. The fact, at all events, of the proceeds of sales in this last case, having, like those

of the Antwerp cargoes, been paid into the treasury, is not only notorious, but was within the full knowledge and view of the Council of State when the above decision was made. For, in the observations laid before it by the direction of the Douanes, in opposition to the claim of the captors, it is expressly stated "que c'est en vertu d'ordres émanés de S. M., et ayant pour base le droit de représailles, que le séquestre avoit été mis, la vente effectuée, et le produit versé au trésor." In declaring, therefore, that there existed no act which had pronounced the confiscation of the vessel Eagle to the profit of the French Government, the Council of State has explicitly and directly decided that an order issued from Bonaparte, directing the sale of a vessel and cargo, and that the proceeds should be paid in the treasury, was not an act pronouncing the confiscation of such vessel and cargo, or of their proceeds.

Your Excellency will probably think that it was superfluous on my part to have accumulated such an overwhelming mass of proofs for the purpose of crushing a mere shadow, which may be dissipated without recurring to any extraneous consideration. In taking for granted the order alluded to by Baron Louis, it must be assumed such as he had stated it, that is to say, as simply directing the withdrawing of the proceeds of sales from a certain chest, and their being paid into the treasury. Indeed, had there been any thing further affecting the question, in that document, he would not have failed to mention it in support of the inference attempted to be drawn. Such a decree, from its nature, must be strictly construed; it cannot be extended beyond what appears on the face of it, beyond its positive enactments, and be made to say what is not contained in it. Had it been intended, not only to make use of the property for immediate exigencies, but to pronounce its definitive condemnation, there could have been no motive, since the decree was not to be published, for not inserting in it a positive clause to that effect, as was done in the other cases where condemnation was the object. But, whatever may have been the intention, the omission of such a clause is of itself, and alone, conclusive against the gratuitous and unjustifiable assertion, that the order is tantamount to a condemnation. The order in question does not confiscate the property, because it contains no clause to that effect.

The acts and the decisions of the Government, directly supporting or recognising the justice of the claim, will now be stated.

All the vessels which arrived, under similar circumstances with those whose cargoes were sequestered at Antwerp, subsequent to the decision of the 4th of September, 1807, and prior to the Milan decree of the 23d of November ensuing, instead of being detained, were refused admittance and sent off. One of them at least, the Orozimbo, was within the power of the Government, and her cargo, which, as has already been stated, was actually landed on account of repairs wanted by the vessel, might certainly have been seized. On the same principle on which she was suffered to depart with that cargo, those of the seven vessels previously detained, should have been allowed to be exported. To admit that she was not liable to seizure, was an acknowledgment that there was no right to sequester and sell those of the other vessels. But there are other cases still more in point.

It was only in the instance of the seven vessels in question that it was agreed that the cargoes should be deposited in the public stores until the final decision respecting the construction of the Berlin decree was known. The consignees of all the other numerous vessels which arrived during the same period, and under the same circumstances, in the other ports of France, preferred to avail themselves of the opinion given by the Minister of Finances, to receive the cargoes, and to give bond for the estimated value thereof. The obligations (soumissions) subscribed by the consignees, were in the following form:

"State of the merchandise brought into this port by the ship ——, which we claim from the sequestration of the custom-house, where they are deposited by order," &c.

[Here follows the enumeration and valuation of the merchandise.]

"Which sum of —— we submit, with our security for the whole debt ——, to represent to the receiver of the customs of ——, if the decision of His Imperial Majesty ordain it, on account of the forced visit in England of said ship ——, we reserving, in need, recourse to the legal tribunal. Done at ——, the ——.

"(Signed) The trustees and their security."

The number of cases in which obligations of this kind were given, is known to the French Government, though not to me; but it embraces, as already stated, all the vessels, the seven which came to Antwerp only excepted, which, having been compelled to touch in England, arrived in French ports, from the publication of the Berlin decree in the latter end of the year 1806, until the decision of the 4th of September took place.

In no instance whatever has the payment of any one of these obligations been enforced. In every other instance but that of the Antwerp cargoes, those of vessels precisely in the same predicament, have been sold for the use of the owners, no steps taken to recover the estimated value for which the obligations were given, and, in some instances, at least, those obligations have been positively annulled. Notwithstanding the difficulty of obtaining information on the last point, the parties interested in the Antwerp claim have been able to furnish me with the following extracts of two decisions:

"NAPOLEON, &c. *20th September*, 1809.

"The underwritten recognizance to the custom-house of Marseilles by M. M. Autran Bellier, to answer for the value of the cargo of the American ship Eliza, which was remitted to their disposal, is annulled."

"*16th November*, 1809.

"The same decrees in favor of M. Hottinguer, for the cargo of the American ship Ann, arrived at Cherbourg."

Whatever may have been the motive of Government for not enforcing the payment of those obligations, the omission of doing it in any case whatever, is an absolute recognition, on its part, that there was no ground for confiscation; and the two instances quoted are sufficient to establish the fact of positive decisions, in cases perfectly similar to that which is the object of the present reclamation.

The same principle has been applied even to a portion of the identical property sequestered at Antwerp, the payment of similar obligations, which, as already stated, had been subscribed, not only for some of the vessels, but also for a small part of the cargo of one of them, having never been enforced.

Finally, indemnity has actually been paid, since the restoration, for a considerable portion of one of the cargoes.

The house of Mr. Parish had, a short time after the arrival of the vessels, sold to Messrs. Fillietaz & Co., of Antwerp, 256 bales of cotton, part of the cargo of the ship Hiram. It being then confidently expected that the merchandise would be delivered to the parties, the sale was absolute, and at the risk of Mr. Fillietaz. He paid the purchase money, received a proper bill of sale, and became thus vested with all the rights of the original shipper, but without recourse against him or the consignees. He was disappointed in his expectation of receiving the merchandise thus purchased. His cotton shared the fate of the rest, and was sold in the same manner, and at the same time, for a sum exceeding 400,000 francs. The proceeds, undistinguished from those of the other cargoes, were, in the same manner, and under the same order, paid in the Treasury. He applied for indemnity, as a subject or resident of Belgium, to the mixed commission, appointed under the treaties and conventions of Paris. His claim was allowed, and placed in the first class, that of cautionnemens and deposites;* and he has received, in payment, an inscription of five per cent. consolidated French stock, amounting, in principal, to 495,760 francs, bearing interest from the 22d of March, 1819, together with 10,726 francs in specie, for arrears of interest, after deducting the commission expenses or charges.

It has now been fully demonstrated, not only that the claim is founded in strict justice; not only that the property was never confiscated, and that there never was any decision to that effect, either in that or similar cases; not only that, on the contrary, there have been positive decisions recognising the validity of the claim; but, also, that other foreigners, who had become owners of part of it, have been indemnified by virtue of the treaties concluded between His Majesty's Government and foreign Powers. Permit me to add, that France has received, and continues to enjoy the benefit of, the money arising from the sales of the cargoes.

That money was paid in the Treasury, and applied towards defraying the public expenses of the State. Had it been restored to the legitimate owners, and not thus applied, those expenses would have been exactly the same. The only difference would have been that the large *arriere* left unpaid by Bonaparte, would have been still further increased precisely by the sum thus detained from the American citizens. With what good faith the whole of that *arriere*, without even excepting the expenses of the Hundred Days, has been liquidated and paid by His Majesty's Government, is well known. In fact, unless France sets up two measures, one for her own subjects and all other foreigners, and another for the citizens of the United States, it is impossible that she can refuse discharging this just debt.

I beg leave to apply, not only for that payment, but, also, for a speedy decision. The United States had, from the most friendly motives, yielded to the reluctance to take up the subject of American claims, which was evinced in the year 1817. The objection arising from the state of the finances, and from the enormous amount of the demands pressing, at that time, on the resources of France, has now happily ceased to exist. Time amply sufficient has, in the mean while, been taken, for every possible investigation of this claim. The parties have already experienced most grievous losses, from the long detention of so large an amount of property. They should not be tortured by further vexatious delays. Justice, when too tardy, often fails in its object. When it is known, as in this case, that such is the nature of the claim that it will ultimately be paid, intriguing speculators are never wanting, who try to take advantage of the distance and the necessities of the claimants, to purchase their rights at a depreciated rate. Such attempts, which, even when not actually tainted, never can avoid the suspicion of corruption, it has been my duty to repel, and heretofore with success. I have told the parties to listen to no proposals, to reject every indirect interference, that their claim was indisputable, and must necessarily be allowed. We employ, to attain that object, no other but direct means; no weapons but those of argument. I trust they will not have been used in vain, when the appeal is made to your known loyalty, to His Majesty's high sense of justice, to those principles of good faith, in discharging the obligations of the State, which, in every instance but that of the American claims, had uniformly distinguished his Government.

I request your Excellency to accept the reiterated assurances of the distinguished consideration with which I have the honor to be, &c.,

ALBERT GALLATIN.

Viscount DE MONTMORENCY,
Minister of Foreign Affairs, &c.

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* Mr. Mertens, of Bruxelles, formerly a partner in the house of Mr. Ridgway, presented a claim to the same commission, for the whole amount which had been consigned to that house. His application was rejected on correct grounds; because, although himself a subject of Belgium, his house was American, and because they were only consignees, and not owners of the cargoes, the right to which, with the exception of the sale to Mr. Fillietaz, has remained the property of American citizens.

No. 203.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, *January* 28, 1822.

"I had yesterday a conference with the Minister of Foreign Affairs, on the subject of the Antwerp claims. In the course of it, I referred him to my letters to one of his predecessors, of the 9th November, 1816, and of the 22d of April, 1817; to the first, in order that he might have a general view of the nature and extent of our claims; to the other, for the purpose of showing both the cause of the delay which had taken place on that subject, and that we had always considered the reclamations for property sequestered and not condemned, to be of such nature that the claims ought to be liquidated and paid in the ordinary course of business, and did not require any diplomatic transaction. I then stated, that although our commercial difficulties might have justly claimed the more immediate attention of the two Governments, yet there was this difference between the two subjects, that the last was only one of mutual convenience, each party being, after all, at liberty, though at the risk of encountering countervailing measures, to regulate his own commerce as he pleased; whilst the question of indemnity, for injuries sustained, was one of right. In this case we demanded justice, and I was sorry to be obliged to say, that, notwithstanding my repeated applications, during a period of near six years, I had not been able to obtain redress in one single instance for my fellow-citizens; an observation, which applied not only to cases which had arisen under the former Government of France, but also to wrongs sustained under that of His Majesty. Such result could not escape the notice of my Government, and had accordingly, been complained of, in the most pointed manner, in the instructions I had from time to time received. There was, indeed, an aggravating and most extraordinary circumstance, with respect to the applications relative to injuries sustained under Bonaparte's Government. Not only had I failed in obtaining redress, but I had not even been honored with an answer. It could not be concealed, that such a course of proceeding, on the part of France, had a tendency to impair the friendly relations between the two countries, and might have an unfavorable effect, even in the discussion of other subjects. I therefore earnestly requested that he would immediately attend to the reclamation now before him, and no longer delay the decision which we had a right to expect."

"Viscount Montmorency at once answered, that he had read the papers relative to the Antwerp sequestrations, and that he was struck with the justice of the claim. He regretted, he added, that the settlement of this reclamation should have fallen on the present Ministry; that a decision had not taken place in the year 1819; that such an objection as that complained of, had, at that time, been raised by the Ministry of Finances. This candid declaration was made, he said, in full confidence that I would understand it as an opinion formed on a first impression, and as being only his individual opinion; he had not yet conferred on the subject with the Minister of Finances or his other colleagues, which he promised to do without delay, and to lay the subject before the King as soon as possible. Speaking of our claims generally, he alluded to the hardship that the King's Government should be made responsible for all the misdeeds of Bonaparte; an observation, to which I did not think necessary to answer, as he spoke only of the hardship of the case, and did not assert that the obligation did not exist."

No. 208.

Extract of a letter from Mr. Gallatin to Mr. Adams.

PARIS, *April* 23, 1822.

"In several conversations I had with Viscount de Montmorency, on the subject of the Antwerp cases, he always evinced a sense of the justice of the claim, and a disposition that indemnity should be made, but I have not yet been able to obtain an official answer; and finding that objections, which were not distinctly stated, were still made by the Department of Finances, I asked Mr. Montmorency's permission to confer on the subject with Mr. de Villele, in order that I might clearly understand what prospect there was of obtaining justice. This was readily assented to, and I had accordingly an interview yesterday with that Minister.

"I found that Mr. de Villele had only a general knowledge of the subject, and had not read my note of the 10th January last, to which I referred him, and which he promised to peruse with attention. It appeared, however, to me, that, although he was cautious not to commit himself, he was already satisfied, from the inspection of the papers in his Department, and without having seen my argument, that the claim was just, and that the ground assumed by Baron Louis, in his letter to Mr. Parish, was untenable.

"His objections to a payment of the claim at this time, supposing that on a thorough investigation it proved to be just, were the following:

"1st. There were no funds at his disposal, from which the payment could be made; and it was absolutely necessary that an application should be made to the Chambers for that purpose: a demand which would be very ill received, as it had been generally supposed that France was relieved from every foreign claim of that description.

"2d. Such was the amount of wrongs committed by Bonaparte, and the acknowledged impossibility that France could repair them all, that the European Powers, although with arms in their hands, and occupying a part of the country, had consented to receive, as a payment in full, a stipulated sum, which fell very short of the amount of their claims. The payments thus made by France, had therefore been in every instance the result of an agreement, (d'une transaction,) founded on equitable principles, and on an abandonment, on the part of the foreign Powers, of a considerable part of their claims. It appeared to him impossible that an application for funds could be made to the Chambers, for the purpose of satisfying American claims, unless it was also the result of a *transaction* of a similar nature.

"3d. Even in that case, the engagement to pay any sum at this time, for that object, would for the reasons already stated, and for many others arising from the change of Government, appear extremely hard. The only way to render it palatable was, that it should be accompanied by the grateful information, that our commercial difficulties were arranged in a satisfactory manner. He regretted, therefore, extremely, that the discussion of the two subjects had been separated, one being treated in the United States, and the other here; and he asked, whether it was probable that the result of the negotiation at Washington would be known at Paris before the next session of the Chambers, which is to take place in June next.

"I must say, that these observations did not appear to be made with an intention of throwing new obstacles in the way of an adjustment of our claims, but for the purpose of stating the difficulties which the Government would have to encounter, in any attempt to effect that object. It was not the less necessary to reply to the suggestions thus made: and I observed, with respect to the delays which had taken place, that they were to be ascribed solely to the French Government. It was in consequence of the determination of the Duke of Richelieu, and I referred to my letter to him of the 22d of April, 1817; it was against my opinion, and notwithstanding my strong remonstrances, that the subject had been postponed, and that provision was not made for our claims at the same time as for those of subjects of the European Powers. But I had taken care to remind the Duke of Richelieu, when the communication for the last object was made to the Legislative Body, that the American claims were not included in the settlement; and he had accordingly expressly stated in that communication, that the sum to be voted would discharge France from all demands on the part of the subjects of the European Powers. This was so well understood, that the subsequent grant of seven millions had been voted for the purpose of discharging the Algerine claims. Ours alone remained unsettled; and the Chambers must have expected, and could not therefore be astonished, that an application for that object should also be made to them.

"As to the propriety of a convention, for the general adjustment of the claims of American citizens, I informed Mr. de Villele, that this was precisely what the United States had asked; and I referred him to my note of the 9th November, 1816, which to this day remained unanswered. The extraordinary silence of the French Government, was at least a proof of its reluctance to adopt that mode of settlement, and there was an intrinsic difficulty in what he called a transaction. The United States could have no objection to a partial admission and reimbursement of the claims of their citizens; but they would not, in order to obtain that object, sacrifice other reclamations equally just, and give that general release which France was desirous to obtain, in consideration of that partial payment. Under these circumstances, it was a natural, and perhaps the most practicable, course to press a settlement of those claims, which it might be presumed she intended ultimately to pay. To repel this, on a plea that a convention, embracing the whole, was a preferable mode, was an untenable position, so long as our overture, having the last object in view, remained unanswered.

"After having expressed my sincere wishes, that an arrangement of our commercial difficulties might soon be effected, and having shown, from a recapitulation of what had taken place at the time, that the transfer of the negotiations, for that object, to Washington, was owing to the French Government, I stated that there was no connexion, whatever, between that and the subject of our claims, and that even when discussed at the same place, they had always been treated distinctly. Our reclamations were of much older date, and not to speak of the former Government of this country, they had, since the restoration, been pending near four years, before any discussion of our commercial relations had commenced. I was ready to acknowledge that it would be, at any time, an unpleasant duty for His Majesty's Ministers to be obliged to ask funds for the purpose of repairing the injuries sustained, during a former period, by the citizens of a foreign nation; and I was sensible that the task would be more easy after the settlement than during the existence of other difficulties. But justice, and our perseverance, on which he might rely, required that the duty, however unpleasant, should, at some time, be performed; and I was the less disposed to acquiesce in new and vexatious delays, on the ground alluded to, because the result of the negotiations was very uncertain. The delay, in that respect, was solely due to the French Government; they had thrown great obstacles in the way of an arrangement, by blending other subjects with that immediately to be attended to; afterwards, they became sensible, in the latter end of September last, that it was necessary to send new instructions to Mr. de Neuville. I had, in the month of October, made every representation, and given all the explanations which could be necessary; yet, the instructions to Mr. de Neuville were not, as I understood, sent till late in January, and had not yet, I believed, been received on the 12th of March. The success of the negotiation depended on the nature of those instructions, with which I was not acquainted. If they produced no favorable result, the consequence would only be, that the commerce between the two countries would be lessened, and flow through indirect channels—probably to our mutual loss, and to the profit of the British manufacturers and navigation. But, however this might be lamented, it was only a question of policy—each of the two nations had a right to regulate her commerce, as in her opinion best suited her interest. But, with respect to our claims, it was a question of right, the consideration of which ought not, and could not, be abandoned or postponed, even if the commercial relations should continue to be less extensive and less advantageous than they had formerly been, or might again become, in case a satisfactory arrangement, respecting the discriminating duties, was made; whether the result of the negotiation would be known here in June, it was, of course, impossible for me to say.

"Mr. de Villele, having taken memoranda, and promised to read the notes to which I had alluded, asked me, whether there was any difference between Mr. Parish's claim (meaning the three vessels consigned to his house) and that for the four other Antwerp ships? to which I answered, most decidedly, in the negative. He then, having the decree of the 22d of July, 1818, before him, inquired in what consisted the difference between the Antwerp claims and those for other property sequestered and embraced by the same decree, viz: the St. Sebastian seizures and the vessels given up by Holland. I answered—none, whatever, in substance, and that the reason why a specific application was made for the Antwerp claims, alone, in my letter of the 10th January last, was that, having already demanded indemnity for all the claims, particularly in my note of 9th November, 1816, the claimants, who relied on the exertions of their Government to obtain redress, had generally thought it unnecessary to make separate applications; Mr. Parish, however, being on the spot, had urged a special decision in his case, and my Government having, for the reasons already stated, acquiesced in that course, the Antwerp claims were, in that manner, first presented to the consideration of that of France. But, I had expressly stated in my note, that this was not, in any way, to be construed as an abandonment of other claims, equally just, although their features might not, in every respect, be precisely the same. Between the Antwerp and the other claims for property sequestered and not condemned, I knew none but merely nominal differences. The St. Sebastian vessels and cargoes had been seized and sold under an untenable and frivolous pretence, that of retaliation, to which a retrospective effect had been given. The Antwerp cargoes had been seized and sold, without any pretence whatever being assigned for it. In neither case had a condemnation taken place. In both cases we had always claimed restitution, or trial, before the ordinary competent tribunal. The right to ask for such trial was, in both cases, derived from the law of nations, and it was, for the Antwerp cargoes, also founded on positive treaty stipulations."

Mr. Gallatin to the Secretary of State—No. 212.

Paris, *May* 13, 1822.

Sir: I have the honor to enclose the copy of a letter I wrote, on the 3d instant, to Viscount Montmorency, on the subject of the Antwerp claims. He has promised an answer; but, as he spoke, though in vague terms, of objections, which it would be better to prevent, rather than to answer, I asked him an interview, which is to take place on Saturday next.

I have the honor to be, &c.

ALBERT GALLATIN.

Mr. Gallatin to the Viscount Montmorency.

Paris, *May* 3, 1822.

Sir: I had the honor, on the 10th of January last, to address to your Excellency a note, relative to the American cargoes sequestered at Antwerp. But, although the conversations I had since the honor to have with your Excellency on that subject, had led me to hope that there was a disposition to render a tardy justice to the claimants, the note still remains unanswered.

It is my duty to remind, also, your Excellency, that all the former notes which I had the honor to address to His Majesty's Ministers, either with respect to that reclamation, or, generally, on the subject of the American claims, and particularly the note of the 9th of November, 1816, have shared the same fate. That, on a subject so important, no official answer should, for such length of time, have been given to the earnest and repeated applications of a friendly Power; that, where favors are not asked, but justice is demanded, there should have been such a tacit perseverance in avoiding even to discuss the question, must be allowed a most uncommon proceeding in the intercourse between independent nations.

To these considerations I beg leave to add, that two American citizens, with powers from the owners of the greater part of the Antwerp cargoes, have been here for a length of time, one of them for a year, for the sole purpose of pursuing and liquidating that claim; and that they both unite in requesting that they may be no longer detained, and that, at all events, a decision may be made in that case.

Permit me, therefore, most earnestly to request from your Excellency, that no further delays may take place, and to ask that official answer, which I have never doubted, would, when made, prove satisfactory to the just expectation of the parties interested.

I request your Excellency to accept the renewed assurance of the distinguished consideration with which, &c.

ALBERT GALLATIN.

Extract of a letter from Mr. Gallatin to the Secretary of State, No. 216, *dated*

Paris, *June* 13, 1822.

"The conference I had, on the 18th ultimo, with Viscount de Montmorency, on the subject of the American claims, turned principally on the difficulties which this Government would find in effecting an arrangement with us. The result of a free conversation on what was practicable, seemed to be, that a definitive agreement was preferable to a partial payment, and that the choice must, in that respect, be between the two following modes: either the payment of a stipulated sum, in full discharge of the demands of the United States for spoliations, and to be distributed by their Government; or, the reference of the whole case to a joint commission, which, in case of disagreement, would refer the disputed points to a Sovereign chosen by the two Governments."

"Although Mr. de Montmorency appeared to continue to be personally well disposed, he did not conceal that there were objections in the Council of Ministers; and he stated, a few days after, that they were inclined to postpone the subject, until the result of the negotiation at Washington was ascertained. I concluded, nevertheless, to insist for an answer to my last note, being satisfied that it would not amount to a rejection, which would have committed hereafter this Government, and that there would be some advantage in obtaining, at least, something more than verbal from them. The answer of the 1st instant, was accordingly received, copy of which is herewith enclosed. We had so many accounts of a near prospect of an arrangement being on the eve of being concluded, between you and Mr. de Neuville, that I waited a few days before I made a reply; but, having now heard of the adjournment of Congress, without any convention having been made, I this day have made the answer, of which I have the honor to enclose a copy."

[TRANSLATION.]

Viscount Montmorency to Mr. Gallatin.

PARIS, *June* 1, 1822.

SIR: I have received the letter which you did me the honor to write me on the 3d of May, relative to the American cargoes sequestered in the port of Anvers, and to the other claims which you have already heretofore laid before the Ministers of the King.

I could have wished, sir, to have been able to answer you sooner, and, especially, to have been able to welcome your demands; but I was under the necessity of first submitting them to the King, who is engaged in Council; His Majesty having nothing more at heart, than to see adjusted, in a proper and satisfactory manner, the affairs of mutual interest for both countries, and thus to multiply between them useful and amicable relations.

The object of your claims is, without doubt, interesting to a great number of individuals; and we have, also, individual claims to make, which are likewise of great interest to the subjects of the King, whom they concern. I would be first to wish that the Government could be engaged with them; but you are not ignorant, sir, that there is, at this moment, at Washington, a negotiation which embraces general interests of the highest importance to the navigation of France and of America.

The King's Council has judged, that it was better to put off the examination of the individual claims, until the negotiation upon the general interests was concluded; and, as soon as that shall take place, I shall hasten, sir, to move, in the King's Council, the examination of the claims which form the object of your letter of the 3d May. I have the honor, &c.

MONTMORENCY.

Mr. Gallatin to the Viscount Montmorency.

PARIS, *June* 23, 1822.

SIR: I had the honor to receive your Excellency's letter of the 1st instant, in answer to mine of the 3d of May, relative to the American reclamations.

It is satisfactory to find that the unfavorable suggestions heretofore made on that subject are no longer alluded to, and that the only reason assigned for its postponement is foreign to the merits of the claim. I had expected no less from the justice of His Majesty's Government. But this new delay is as vexatious as unexpected; and the grounds on which it is placed appear altogether untenable.

It will appear by my letter of the 22d of April, 1817, to his Excellency the Duke of Richelieu, that the magnitude of the claims made upon France by subjects of European Powers was the reason alleged at that time for postponing to a more favorable moment the discussion of the American claims in question. The Government of the United States, from the most friendly motives, though with great reluctance, acquiesced so far in that delay as to have abstained from pressing again the subject until the European claims had been arranged in a satisfactory manner. I made at that time, as will appear by my letter to the Duke of Richelieu of the 3d April, 1818, an unavailing effort to obtain a simultaneous and definitive arrangement of the American claims, as most consistent both with common justice and sound policy. And now, when the original cause of the postponement has ceased to exist; when the prosperous situation of the finances of France leaves no ground for the primitive objection; a new cause for delay is sought in circumstances of a subsequent date, and which are wholly unconnected with the subject in question. The consideration of American claims was adjourned on a presumed plea of temporary inability or inconvenience, early in 1817; and the commercial difficulties which it is the object of the pending negotiation at Washington to arrange did not arise till the year 1819. That the question of indemnity ought not to be made to depend on the fate of that negotiation is equally evident.

An arrangement which will restore to the navigation of America and France those advantages now enjoyed, to the exclusion of both, by foreign vessels, and which will have a tendency to extend the commercial and friendly relations between the two countries, is undoubtedly a most desirable object, and of the highest importance. But it is after all a question, not of right, but of policy. Either of the two Governments may, on that subject, make an erroneous determination; but each of them, should they not unfortunately be able to agree on that point, has ultimately the right to make its own commercial regulations, exposing itself without doubt to countervailing measures, but without giving thereby any just ground of complaint, or disturbing in other respects the harmony subsisting between the two nations. In fact that state of things exists to a much greater extent between France and many European Powers, particularly with Great Britain. The commerce between America and France, and which may be estimated to amount in value to about eighty millions of francs a year, may still be carried on in foreign vessels, or through indirect channels. Neither country has prohibited the importation of the products of the soil or industry of the other. The only question under discussion, and on which they may happen not to agree, is that of the navigation—that is to say, of the freight of the articles of exchange, which may in the whole be worth about three millions a year. But, from the respective prohibitions existing in France and England, it is not merely the navigation, but the commerce itself, between the two countries, which is so nearly annihilated as not to exceed twelve or fifteen millions a year. It has certainly in this case never been suggested that because each Government follows in that respect its own views, the other questions of right or general policy should on that account be suspended; that because a treaty of commerce may appear injurious to either of them, the other would for that reason be justified in refusing to do justice in other respects. The question of the indemnity claimed by the United States from France is one, not merely of policy, but of right. It will again revert, and with the same force, in case there should be no arrangement of the commercial difficulties. The foundation on which the demand rests cannot be affected by that result. France must still acknowledge or deny the justice of that claim. She is bound, in the first case, to grant the indemnity; in the other, to adduce satisfactory reasons for her denial.

I must beg leave to observe, that the object of these reclamations cannot be, and is not considered by the Government of the United States, as only affecting the interests of private individuals, but as an important subject of public concern. It is not for private contracts voluntarily entered into, or other claims of a similar nature; it is for numerous spoliations, committed not only contrary to every principle of common justice, but in violation of the acknowledged law of nations, and of positive treaty stipulations; it is for the most flagrant and continued infractions of their rights, as a neutral and independent nation, that the United States demand that, at least, a satisfactory indemnity should be made to her citizens for the losses thus suffered. The whole series of their public acts, at home and abroad, when those outrageous proceedings took place, and the peculiar circumstances, (arising from simultaneous aggressions on the part of England,) which alone prevented a resort to war, are facts of such notoriety, as to render it difficult to conceive how the subject can be viewed as of an inferior importance, and as only affecting private interests. If any further proof was required, in that respect, the 10th article of the treaty of the 16th of March, 1810, between France and Holland, might be quoted. Certain American cargoes, which make part of our reclamations, were, by that treaty, put at the disposal of France, "in order," according to the said article, "that the same may be dealt with according to circumstances, and to the political relations between France and the United States."

Not knowing to what reclamations, by subjects of France against the United States, your Excellency alludes, I can only observe that, if there are any, respecting which a stipulation should be deemed necessary, it must of course be understood that every such stipulation will, in every respect, be reciprocal, and embrace, on both sides, all reclamations of a similar nature, and for the same period of time.

I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

VISCOUNT DE MONTMORENCY,
Minister of Foreign Affairs, &c.

No. 230.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated Paris, September 8, 1822.

"I had, on the 17th ultimo, written to Viscount Montmorency, and again on the 31st to Mr. de Villele, on the subject of our reclamations, only to remind them, that the late convention had removed the sole cause assigned for delay. I received, last night, Mr. de Villele's note of the 3d, of which copy is enclosed."

Mr. Gallatin to Mr. de Montmorency, dated 17th August, 1822.

I beg leave to call again your Excellency's attention to the American claims, for sequestrations and spoliations. The cause assigned by your Excellency, in your letter of the first of June last, for suspending their consideration, being happily removed by the late commercial arrangement, I trust that no further delay will take place, and that, in conformity with the tenor of that letter, your Excellency will be pleased to to bring that important subject before the King's Council.

I request your Excellency to accept, &c.

[TRANSLATION.]

Extract of a letter from Mr. Gallatin to Mr. de Villele, dated Paris, August 31, 1822.

"Permit me to remind your Excellency, that the three last letters which I had the honor of addressing to his Excellency the Viscount de Montmorency, are still unanswered. The first, under the date of the 17th current, had, for its object, the different claims of citizens of the United States. The second, of the 20th, contained my observations on the project of an ordinance, necessary that the execution of the convention of 24th June may commence on the 1st of October next. The last, of the 27th, remonstrated against the conduct pursued by the local authorities, in regard to the American vessel the General Hamilton, thrown upon the coast, near Montreuil, on the sea."

"I eagerly seize this occasion to beg your Excellency to be pleased to accept the assurance," &c.

[TRANSLATION.]

Mr. de Villele to Mr. Gallatin, dated Sept. 3, 1822.

You did me the honor, on the 31st of August last, to remind me of several American claims, of which you had formerly apprized the Viscount de Montmorency. It is necessary for me to collect some documents respecting this affair, in order to judge of what consequences they may be susceptible. Be pleased to believe, sir, that I shall attend to them with a good deal of interest and attention. Accept, sir, the assurances, &c.

No. 233.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated Paris, 24th September, 1822.

"I had yesterday a conference with Mr. Villele, on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion between the two countries; stated those to be, the reclamations of the United States for spoliations on their trade, those of France, on account of Beaumarchais' claim, and of the vessels captured on the coast of Africa, and the question arising under the Louisiana treaty; and asked, whether I was prepared to negotiate upon all those points? I answered that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of claims for indemnity, as they were essentially distinct; and, as I thought that, after all that had passed, we had a right to expect that no further obstacle should be thrown in the discussion of our claims, by connecting it with subjects foreign to them."

No. 236.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated Paris, 13th November, 1822.

"I received, on the 18th instant, a letter from Mr. de Villele, of the 6th—copy of which is enclosed, together with that of my answer, of the 12th."

[TRANSLATION.]

Mr. de Villele to Mr. Gallatin.

PARIS, *November* 6, 1822.

SIR: The Convention, concluded at Washington, on the 24th of June last, has removed the obstacles which have, momentarily, impeded the relations of commerce between France and the United States. Although this Convention is only temporary, it holds out the expectation of a treaty more extensive and more durable. It has left leisure proper for discussing and establishing this treaty, upon bases the most conformable to the interest of the two States. Already the communications are re-opened, on both sides, on the most amicable footing. His Majesty has seen, with satisfaction, this happy effect of the arrangement concluded in his name, and in that of the United States.

If any partial difficulties still remain to be removed, they will be easily arranged between two Powers, who sincerely wish to establish their relations upon the most perfect equity.

In this spirit of reciprocal justice, I have received the claims which you have done me the honor to transmit to me, and without prejudging any thing in their regard, I must, first of all, sir, remark to you, that France has also claims pending, or to be produced, to the Government of the United States. It would appear agreeable to the interest of the two parties, and to the reciprocity of justice, and of protection, to which the subjects of the two States have equally a right, that these affairs should be examined and arranged unanimously, by way of negotiation.

His Majesty's intention would be, that these claims and the other points in dispute, upon which the Convention, of 24th June, has not been able to pronounce, should be the object of this negotiation, in order to terminate simultaneously, and in a definitive manner, every dispute between the two States, especially in what concerns the duties received in Louisiana, on the French commerce, contrary to the tenor of the 8th article of the treaty of cession.

You will only perceive, sir, in this intention of His Majesty, the most firm desire of leaving, in future, no cause or pretext of misunderstanding, or of complaints between the two States, and on the part of their respective subjects.

If you are authorized, sir, to follow this march, I pray you let me know, and I will hasten to demand of the King the necessary powers to a negotiator, charged with treating with you.

If you were also authorized to sign a consular convention, the same Plenipotentiary would receive powers, *ad hoc*, for also pursuing the negotiation.

Accept, sir, the assurance of the high consideration, &c.

The Minister of Finance, charged, ad-interim, with the Portfolio of Foreign Affairs.

JH. DE VILLELE.

PARIS, *November* 12, 1822.

SIR: I had the honor to receive your Excellency's letter of the 6th instant.

I have special powers to negotiate a convention providing for the just claims of citizens of the United States against France; as, also, for the like claims of French subjects against the United States, with such person or persons as may have a like authority from His Most Christian Majesty.

As Minister of the United States, I am authorized to discuss the question respecting the construction of the 8th article of the Louisiana treaty, and to give and receive explanations on that subject. But the negotiation on that point having been transferred to Washington, no special powers in that respect have been transmitted to me. I had understood, in the course of the conference I had the honor to have with your Excellency on the 23d of September, and had accordingly written to my Government, that it was not intended to insist that that subject should be blended with that of private claims. It is, indeed, obvious, that it would be utterly unjust to make the admission of these to depend on the result of a negotiation on a subject with which they have no connexion whatever, and the difficulties respecting which are of a date posterior to that of the claims.

All the representations which His Majesty's Government has made to that of the United States, whether on private or on public subjects, have uniformly been taken into consideration, and received that attention to which they were so justly entitled. In no instance has the Government of the United States declined to open a discussion on any subject thus offered to their consideration by France, or made it a preliminary condition that the discussion should also embrace some other subject in which they might happen to take a greater interest. The question respecting the 8th article of the Louisiana treaty has, in particular, been the subject of a voluminous correspondence, in the course of which the arguments in support of the construction insisted on by each party, respectively, were made known to the other. I have, in the mean while, for six years, made unceasing applications to His Majesty's Government for the settlement of claims to a vast amount, affecting the interest of numerous individuals, and arising from flagrant violations of the law of nations and of the rights of the United States, without having ever been able to obtain to this day satisfaction in a single instance, or even that the subject should be taken into consideration and discussed. After so many vexatious delays, for which different causes have at different times been assigned, it cannot now be intended again to postpone the investigation of that subject, by insisting that it should be treated in connexion with one foreign to it, and which has already been discussed. The United States have at least the right to ask that their demands should also be examined and discussed, and I trust that, since I am authorized to treat, as well concerning the claims of French subjects against the United States, as respecting those of American citizens against France, a distinct negotiation to that effect will be opened without any further delay.

Permit me, at the same time, to renew to your Excellency the assurances that the United States have the most earnest desire that every subject of difference between the two countries should be amicably arranged, and their commercial and political relations placed on the most friendly and solid footing. They will be ready to open again negotiations on the subject of the 8th article of the Louisiana treaty, and on every other which remains to be adjusted, and will have no objection that the seat of those negotiations should be transferred from Washington to this place.

Although my powers to treat, respecting every subject connected with the commerce of the two countries, may embrace that of a Consular Convention, yet, as this had not been contemplated by my Government, I am not at this time prepared to conclude an arrangement for that purpose.

I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

His Ex'cy COUNT DE VILLELE,
Charged with Dep. of Foreign Affairs, &c.

No. 237.

Mr. Gallatin to the Secretary of State.

PARIS, *November* 19, 1822.

SIR: I received last night, and have the honor to enclose, a copy of Mr. de Villele's answer (dated 15th instant,) to my letter of the 12th. You will perceive that, without taking any notice of the reasons I had urged, why a distinct negotiation should be immediately opened on the subject of the claims against both Governments, he insists that this shall be treated in connexion with the question respecting the construction of the 8th article of the Louisiana treaty. The object is too obvious to require any comments on my part, and this final decision leaves me no other course than to refer the whole to my Government.

I have honor to be, &c.

ALBERT GALLATIN.

[TRANSLATION.]

M. de Villele to Mr. Gallatin.

PARIS, *November* 15, 1822.

SIR: You did me the honor to announce to me, on the 12th of this month, that you were authorized to negotiate a convention, relative to the claims of Americans against France, and to those of France against the United States; but, that you had no power to enter upon a negotiation concerning the interpretation of the 8th article of the Louisiana treaty.

The discussions which have arisen upon this last point, between your Government and the King's Minister Plenipotentiary to the United States, having had no result, and this question being thus left undecided, it is both proper and just to resume the examination of it; it touches upon too great interests not to be treated of with renewed attention, or to be abandoned.

If a new arrangement takes place for the claims, which are still in controversy, it ought to comprehend the whole, and the desire of the King's Government is not to leave any difficulty, any indecision remaining in the relations of the two countries.

It is for the same reason, sir, that I demanded, in the letter which I had the honor to address to you on the 6th of this month, that the negotiation to be opened on the respective claims should also include a consular convention.

If your powers for discussing these difficult points should not appear to you sufficiently extensive to make it the object of a negotiation, I think, sir, that you will deem it fit to ask of your Government supplementary authority, to come at an arrangement, which cannot be of the utility proposed by the two Governments unless it shall embrace all the questions and the claims which are still in dispute.

I can only refer, sir, on this subject, to the communications which I had the honor to make to you on the 6th of this month, and with which you have, doubtless, acquainted your Government.

Accept, sir, the assurance of my high consideration.

JH. DE VILLELE,
Minister of Finances, &c.

No. 250.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated Paris, 27th February, 1823.

"The more I have reflected on the ground assumed by this Government, on the subject of our claims, and on the attempt to connect their discussion with the question arising under the 8th article of the Louisiana treaty, the more I have felt satisfied that it was impossible that the United States should depart from the true construction of that article, and acquiesce in that contended for by France, and that the renewed discussion on that subject would be unprofitable, and lead to no result whatever. As a last, but I believe unavailing effort, I have concluded to express that conviction to the French Government, and have accordingly addressed, this day, to Mr. Chateaubriand, the letter of which I have the honor to enclose a copy."

PARIS, *February* 27, 1823.

SIR: I had the honor to receive his Excellency Count de Villele's letter, of the 15th November last, by which, notwithstanding the remonstrance contained in mine of the 12th, his Excellency, being at that time charged with the Department of Foreign Affairs, still insisted that the discussion of the claims of individuals of both nations upon the two Governments, respectively, should not take place, unless it was connected with a renewed negotiation on the 8th article of the Louisiana treaty.

A conversation I had the honor to have with his Excellency the Duke de Montmorency, after his return from Verona, induced me to hope, although he did not encourage any expectations of a different result, that he would, however, again lay the subject before His Majesty's Council of Ministers. This circumstance, the subsequent change in the Department of Foreign Affairs, and the objects of primary importance which have hitherto necessarily engrossed your Excellency's attention, have prevented an earlier official answer to his Excellency Count de Villele's letter.

It has, together with the others on the same subject, as he had naturally anticipated, been of course transmitted to my Government. But, on a review of the correspondence of Mr. Adams with Mr. Hyde de Neuville, and with myself, I must express my perfect conviction, that the subject having been maturely examined, and thoroughly discussed, there cannot be the least expectation that the United States will alter their views of it, or acquiesce in the construction put by His Majesty's Minister on the 8th article of the Louisiana treaty.

It is not my intention, at this moment, to renew a discussion which seems to have been already exhausted; but I will beg leave, simply, to state the question to your Excellency.

It was agreed, by the article above-mentioned, that the ships of France should forever be treated upon the footing of the most favored nation in the ports of Louisiana.

Vessels of certain foreign nations being now treated in the ports of the United States, including those of Louisiana, on the same footing with American vessels, in consideration of the American vessels being treated in the ports of those nations on the same footing with their own vessels, France has required that French vessels should, by virtue of the said article, be treated, in the ports of Louisiana, on the same footing with the vessels of those nations, without allowing, on her part, the consideration, or reciprocal condition, by virtue of which those vessels are thus treated.

The United States contend that the right to be treated upon the footing of the most favored nation, when not otherwise defined, and when expressed only in those words, is that, and can only be that, of being entitled to that treatment, gratuitously, if such nation enjoys it gratuitously, and on paying the same equivalent, if it has been granted in consideration of an equivalent. Setting aside every collateral matter and subsidiary argument, they say that the article in question, expressed as it is, can have no other meaning, is susceptible of no other construction, for this plain and incontrovertible reason: that, if the French vessels were allowed to receive, gratuitously, the same treatment which those of certain other nations receive, only in consideration of an equivalent, they would not be treated as the most favored nation, but more favorably than any other nation. And, since the article must necessarily have the meaning contended for by the United States, and no other, the omission or insertion of words to define it, is wholly immaterial, a definition being necessary only when the expressions used are of doubtful import, and the insertion of words to that effect in some other treaties, belonging to that class of explanatory but superfluous phrases of which instances are to be found in so many treaties.

It might, indeed, have, perhaps, been sufficient to say that, in point of fact, there was no most favored nation in the United States, the right enjoyed by the vessels of certain foreign nations to be treated in the ports of the United States as American vessels, in consideration of American vessels receiving a similar treatment in the ports of those nations, not being a favor but a mere act of reciprocity.

Let me also observe that the pretension of France would, if admitted, leave no alternative to the United States than either to suffer the whole commerce between France and Louisiana to be carried exclusively in French vessels, or to renounce the right of making arrangements with other nations deemed essential to our prosperity, and having for object not to lay restrictions on commerce, but to remove them. If the meaning of the 8th article of the Louisiana treaty was such, indeed, as has been contended for on the part of France, the United States, bound to fulfil their engagements, must submit to the consequences, whatever these might be; but this having been proven not to be the case, the observation is made only to show that the United States never can, either for the sake of obtaining indemnities for her citizens, or from their anxious desire to settle, by conciliatory arrangements, all their differences with France, be brought to acquiesce in the erroneous construction put upon the article in question.

The proposal made by his Excellency Mr. de Villele, in his letter of the 6th of November, and reiterated in that of the 15th, can, therefore, have no other effect than to produce unnecessary delays, and would, if persisted in, be tantamount to an indefinite postponement of the examination and settlement of the claims of the citizens of the United States. It will remain for His Majesty's Government to decide whether this determination be consistent with justice, whether the reclamations of private individuals should be thus adjourned because the two Governments happen to differ in opinion on a subject altogether foreign to those claims. Having nothing to add to my reiterated and unavailing applications on that subject, my only object, at this moment, has been, to show that I cannot expect any instructions from my Government that will alter the state of the question.

I request your Excellency to accept the assurance, &c.

ALBERT GALLATIN.

Viscount DE CHATEAUBRIAND,
Minister of Foreign Affairs, &c.

AFRICAN SLAVE TRADE.

[Communicated to the House, March 20, 1824.]

To the House of Representatives:

I transmit, herewith, to the House of Representatives a report from the Secretary of State, with the papers therein referred to, in compliance with a resolution of that House, of 27th January last.

JAMES MONROE.

WASHINGTON, *March* 19, 1824.

DEPARTMENT OF STATE,
Washington, March 18, 1824.

The Secretary of State, to whom has been referred a resolution of the House of Representatives, of the 27th of January last, requesting the President to communicate to that House such part, as he may not deem inexpedient to divulge, of any correspondence or negotiation, which he may have instituted with any foreign Government since the 28th of February, 1823, in compliance with a request contained in a resolution of the same House of that date, relative to the denunciation of the African slave trade as piracy, has the honor to submit to the President copies of the correspondence requested.

JOHN QUINCY ADAMS.

LIST OF PAPERS SENT.

1. Mr. Canning to Mr. Adams, 29th January, 1823.
2. Mr. Adams to Mr. Canning, 31st March, 1823.
3. Mr. Canning to Mr. Adams, 8th April, 1823.
4. Mr. Adams to Mr. Canning, 24th June, 1823.
5. Mr. Adams to Mr. Nelson, (Extract,) 28th of April, 1823.
6. Same to Mr. Rodney, do., 17th May, 1823.
7. Same to Mr. Anderson, do., 27th May, 1823.
8. Same to Mr. Rush, with one enclosure; convention slave trade, (Extract,) 24th June, 1823.
9. Same to Mr. Middleton, (Copy,) 28th July, 1823.
10. Same to Mr. Everett, do., 8th August, 1823.
11. Same to General Dearborn, (Extract,) 14th August, 1823.
12. Mr. Rush to Mr. Adams, do., 9th October, 1823.
13. Mr. Sheldon to same, do., 16th October, 1823.
14. Same to same, with two enclosures; correspondence with Viscount Chateaubriand, (Extracts,) 5th November, 1823.
15. Mr. Everett to Mr. Adams, with two enclosures; correspondence with Baron Nagell, (Extracts,) 20th November, 1823.

Mr. Canning to Mr. Adams.

WASHINGTON, *Jan.* 29, 1823.

SIR: To the complete abolition of the African slave trade, Great Britain, as you are well aware, has long devoted her anxious and unremitting exertions; she availed herself, during war, of her belligerent rights, and extended dominion in the colonies, to put down the inhuman traffic; in peace, she has spared no labor, and shrunk from no sacrifice, to supply, by a general co-operation of the maritime Powers, whatever has been withdrawn from her peculiar control by the cessation of hostilities, and the colonial arrangements consequent on that event. It is matter of deep regret to His Majesty's Government, that the result of their exertions is far from corresponding either to the cause which demands, or to the zeal which sustains them. The pest, which they have pledged themselves to destroy, if it be in human power to destroy it, not only survives, to the disgrace and affliction of the age, but seems to acquire a fresh capacity for existence with every endeavor for its destruction.

To whatever fatality it may be owing, that, while the obligation of adopting and enforcing measures for the extermination of the slave trade, is solemnly acknowledged by the civilized world, this great object seems rather to elude the grasp than to approach its consummation. Great Britain perceives, in the postponement of her hopes, however mortifying for the moment, no reason either to relax from her efforts, or to abandon the expectation of final success. Impelled, by the noblest motives, to persevere in the cause of abolition, and mindful by what slow laborious steps the present point has been attained, she looks forward, through surrounding obstacles, to that triumphant accomplishment of her purpose, the benefit and glory of which will only be rendered more signal by the difficulties attendant on its progress.

In calling on Europe and America to join with them in the discharge of this sacred duty, His Majesty and his Ministers have appealed, sir, with the more confidence, to your Government, as the United States have long proclaimed their decided hostility to the slave trade, and are surpassed by no country in the vigor of their legislative enactments for its repression. The identity of principle existing on this subject between the two Governments, is distinctly recorded in the Treaty of Peace; and, in answer to every proposal which has since, by His Majesty's command, been addressed to your Cabinet, for redeeming that pledge, by a broad and effectual application of the principle, a fresh assurance has been given of the unceasing interest with which the United States continue to promote the cause of abolition. When, to this accord, in principle and sentiment, is added the conviction, avowed by both parties, that, in spite of laws and treaties, the accursed traffic still thrives, under the eyes of an indignant world, it would seem impossible that the two Powers should be long prevented from concerting a joint system of measures against the common object of their abhorrence and just proscription. Whatever circumstances, views, or impressions, may have hitherto defeated this expectation, His Majesty's Ministers are still unwilling to despair of finding the United States at length prepared either to close with the system of concert already offered to their acceptance, or to suggest a plan of equal efficiency in its place. The alternative embraces a duty, for the performance of which both countries are responsible before God and man.

A deep sense of this duty, and a reliance; by no means relinquished, on the general disposition of the United States, have prompted the several communications on this question, which have been addressed to you at successive periods, either through me, or by means of the American Envoy in London. You will readily call to mind, sir, that, in the course of last Summer, I apprized you of the intention of His Majesty's Ministers to press for an early reconsideration of the subject, submitting whether it might not prove agreeable to the American Cabinet to anticipate that intended recurrence to it on the part of Great Britain, by some efficient proposal, originating with itself. I took occasion, in repeated conversations, to urge anew those various arguments which support and justify the opinion of His Majesty's Government; and I also placed in your hands the official papers, then recently printed by order of Parliament, in further evidence of the extent to which the traffic in human beings was still carried on from Africa, under circumstances of aggravated cruelty. In declaring, as on former occasions, the readiness of His Majesty's Ministers to examine, with respect and candor, whatever scheme of concert, if any, the American Cabinet might think proper to bring forward, as a substitute for theirs, you will remember how strongly I expressed my belief that the only effectual measure devised, or likely to be devised, was a mutual concession of the right of search. In the exercise of that right, under such guards, and with such limitations as may serve to tranquillize the most apprehensive and scrupulous minds, it is still conceived that the best and only cure for this intolerable mischief is to be found. You assured me, at a subsequent conference, that my representations had been duly submitted to the President. I wish it were in my power to add that the cause which I pleaded had prevailed.

From the printed documents which I had the honor of communicating to you, it appears that the French flag is more particularly employed to cover the illicit trade on the coast of Africa. It would, perhaps, be unfair to conclude that French property and French subjects are concerned to the full proportion in which the colors of that nation are used; but it is manifest that both are engaged in this commerce of blood to an extent which reflects discredit, if not on the motives of the French administration, at least on the efficiency of its measures; and makes it imperative on those Governments which are pledged to each other for the suppression of the slave trade, to declare their reprobation of what is, at best, a culpable remissness, and to omit nothing that may rouse the French Cabinet to a more active exercise of its authority.

It was a part of my instructions to bring this point under your immediate consideration, and to intimate that the remonstrances of His Majesty's Ambassador at Paris might be attended with more effect, if the American Envoy at that Court were directed to concur with his Excellency in a joint representation on the subject. It would be idle at present to repeat the arguments adduced in executing this instruction. The answer which you returned in the name of the President, was unfavorable to the step I had suggested; and such was the result which it became my duty to announce to His Majesty's Secretary of State. But no doubt was started with respect to the grounds on which my application rested; and, of those notorious facts, to which I referred, as calling for a joint and impressive appeal to the good faith and good feelings of the French Government, you seemed to be equally convinced with myself.

The reasons, indeed, which you alleged for declining, at that time, to comply with a proposal no less simple in its nature than useful in its object, I understood to be rather of a temporary character; and, under this impression, I cannot but hope that the period is now arrived when they will no longer be found to stand in opposition to the great considerations involved in this question.

In repeating, therefore, the invitation which I have already had the honor to convey to you on the part of His Majesty's Government, it only remains for me to request an early communication of the intentions at present entertained on this head by the Government of the United States.

I beg, sir, that you will accept the assurance of my distinguished consideration.

STRATFORD CANNING.

Hon. John Quincy Adams,
Secretary of State, &c.

Mr. Adams to Mr. Canning.

Department of State,
Washington, March 31, 1823.

Sir: Your letter of the 29th of January was, immediately after being received, submitted to the consideration of the President of the United States. The delay which has hitherto procrastinated a reply to it, has been occasioned, not by any abatement of the interest, on the part of the Government of the United States, with which it regards every effort and proposal for the full and final suppression of the African slave trade; nor by any hesitation with regard to the decision which had already been formed and declared respecting the proposal of submitting the vessels and citizens of the United States to the search of foreign officers upon the high seas; but by an expectation that measures contemplated by the national House of Representatives might, before the close of the session of Congress, indicate to the Executive Government of this country, views upon which it would be enabled to substitute a proposal for accomplishing the total abolition of the traffic, more effectual to its purpose, and less liable to objections on other accounts than that to which the United States cannot be reconciled, of granting the right of search. These measures were matured in the branch of the Legislature where they originated, only at the very termination of the session; and the Senate had not the opportunity of pronouncing its opinion upon them. There is, however, no doubt on the mind of the President that they would have obtained their sanction; and he has, therefore, no hesitation in acting, so far, upon the expressed and almost unanimous sense of the House, as to declare the willingness of this Union to join with other nations in the common engagement to pursue and to punish those who shall continue to practise this crime, so reprobated by the just and humane of every country, as enemies of the human race, and to fix them, irrevocably, in the class, and under the denomination, of pirates.

I have the honor of enclosing herewith a copy of the 4th and 5th sections of a law of the United States, passed on the 15th of May, 1820, by which it will be seen, that any citizen of the United States, being of the crew or ship's company of any *foreign* ship or vessel engaged in the slave trade, or any person *whatever*, being of the crew or ship's company of *any* ship or vessel, owned in whole or part, or navigated for, or in behalf of, any citizen or citizens of the United States, participating in the slave trade, is declared to have incurred the penalties of piracy, and made liable to atone for the crime with his life. The legislation of a single nation can go no further, to mark its abhorrence of this traffic, or to deter the people subject to its laws, from contamination, by the practice of others.

If the inference in your letter of the 29th of January, from the documents to which it refers, be correct, that the French flag is more particularly employed to cover the illicit trade on the coast of Africa; and the conjecture likewise suggested in it, that this flag is used to cover the property and the persons of individuals bound to other allegiances, be well founded, this statute makes every citizen of the United States, concerned in such traffic, liable, if detected in it, to suffer an ignominious death. The code of Great Britain herself has, hitherto, no provision of equal severity in the pursuit of her subjects, even under the shelter of foreign banners, and to the covert of simulated papers and property.

I am directed by the President of the United States to propose, on their part, the adoption, by Great Britain, of the *principle* of this act; and to offer a mutual stipulation to annex the penalties of *piracy* to the offence of participating in the slave trade, by the citizens or subjects of the respective parties. This proposal is made as a substitute for that of conceding a mutual right of search, and of a trial by mixed commissions, which would be rendered useless by it. Should it meet the approbation of your Government, it may be separately urged upon the adoption of France, and upon the other maritime Powers of Europe, in the manner most conducive to its ultimate success.

I have the honor of tendering to you the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Right Hon. Stratford Canning,
Envoy Extraordinary, &c.

Mr. Canning to Mr. Adams.

Washington, *April* 8, 1823.

Sir: I have received your official letter, dated the 31st ultimo, in answer to that which I had the honor of addressing to you on the 29th of January; and, together with it, a transcript of the 4th and 5th sections of an act of Congress, approved the 15th of May, 1820.

From this communication I learn that the Government of the United States is willing to join with other Powers in declaring slave trade piracy under the law of nations, and treating the perpetrators of this crime as enemies of the human race; that the American Government is further prepared to enter into a formal engagement with Great Britain to the effect of carrying the principle just specified into immediate operation, reciprocally, as to their respective subjects or citizens; and, finally, that, as soon as this proposal shall be accepted by the British Government, the United States will be ready to concur in pressing its adoption on the Court of France and other maritime

Powers, in such manner as may afford the fairest prospect of success.

In whatever degree His Majesty's Government may be disposed to receive this offer as an acknowledgment that measures more efficient than any now generally in force, are indispensable for the suppression of the slave trade, it is not difficult to foresee, that fresh sentiments of regret will be excited, by the unfavorable view which the American Administration continues to take of the principal measure suggested on the part of His Majesty. That measure, you are well aware, sir, is a mutual limited concession of the right of search; and though, as I have frequently stated, His Majesty's Government, in adopting it by treaty with several of the maritime Powers, and in recommending it with earnestness to the acceptance of others, particularly of the United States, have never opposed the consideration of any other plan brought forward as equally effective; yet, having from the first regarded it in conscience as the only true and practical cure for the evil in question, they are naturally anxious, from a deep sense of duty, to place it in its proper light, and to guard it, as far as possible, from prejudice or misconception. I therefore deem it of importance, on this occasion, to bring into one point of view the several limitations under which, it is conceived the right of search might be so exercised as to clear it of every imaginable difficulty. To give the intended limitations their just value, it is requisite to bear in mind the particular objections which have been urged against the interchange of a right of search; and for those, in their full extent, I can hardly be wrong in referring to your previous correspondence, since the last communication which I have received from you on this subject, though it describes the impressions of the American Government as remaining unaltered, does not exhibit any argument in support of their opinion.

In answer to that class of objections which relate to the mixed commissions established by treaty, between His Majesty and the Courts of Lisbon, Brussels, and Madrid, it may suffice to remind you of the intimation conveyed through Mr. Rush, in the early part of last year, which I had subsequently the honor of confirming at the Department of State. It might be expected, that any arrangement for the adjudication of vessels engaged in the slave trade, independent of those tribunals, would either leave the detained vessels to be disposed of in the ordinary way, by the sentence of a Court of Admiralty in the country of the captor, or place them under the jurisdiction of a similar court in the country to which they belonged. On the former supposition, it is not to be anticipated, that the United States could hesitate to admit the jurisdiction of a foreign Court of Admiralty, when sanctioned by mutual agreement, over the persons and property of citizens, abandoned to a pursuit, so flagrantly iniquitous, as to be classed by the Legislature of their country with crimes of the most heinous description; and which the American Government has declared its willingness to treat as piracy, under the law of nations. Great Britain, for her part, desires no other than that any of her subjects who so far defy the laws, and dishonor the character of their country, as to engage in a trade of blood, proscribed not more by the acts of the Legislature, than by the national feeling, should be detected and brought to justice, even by foreign hands, and from under the protection of her flag. In either of the supposed cases, it is clear that all impediments connected with the forms of proceeding, and peculiar construction of the mixed commissions, would be completely avoided; and, with respect to any embarrassment attending the disposal of condemned vessels and liberated slaves, it has already been suggested by a committee of the House of Representatives, that the provisions of the act of Congress, passed the 3d of March, 1819, might be applied to them without difficulty or inconvenience.

The question being thus relieved from all connexion with the mixed commissions, every Constitutional objection, arising out of their alleged incompatibility with the institutions of the United States, is at once removed from consideration. The remaining obstacles may be reduced under the following heads: the unpopularity of the right of search in this country; its tendency, if mutually employed, to produce an unfriendly collision between the two nations; and a certain supposed inequality, which would attend its exercise.

With respect to any doubt of its utility, created by a persuasion that very few vessels, under American colors, have been discovered, for some time past, on the coast of Africa, it requires but little reflection to prove, that no conclusive inference can be drawn from that circumstance. Not to dwell upon the extent and nature of the slave coast, peculiarly favorable to the concealment of trading vessels, it must be remembered that the United States have maintained, at no time, a greater number of cruisers than two, rarely more than one, and latterly, during several months together, no ship-of-war, whatever, on the African station. As late as the 14th of January, 1822, it was stated, officially, by the Governor of Sierra Leone, "that the fine rivers Nunez and Pongas, were entirely under the control of renegado European and American slave traders."

But, if it were even manifest, that the active and judicious exertions of your naval officers, in that quarter, had really effected a total disuse of the American flag in slave trading, the right of search would still be most highly desirable, in order to secure and extend so important an advantage. As an example, indeed, to other Powers, particularly to France, whose subjects, encouraged by the loose and equivocal measures of their Government, are convicted, by a mass of evidence too strong to be resisted, of being concerned, to a deplorable degree, in this atrocious commerce, the concurrence of the United States in a system, of which the very first result is to augment considerably the means of bringing offenders to justice, can hardly be rated at too high a value. The example which they are called upon to give, is not merely due to the claims of humanity; Great Britain and the United States are not only pledged to put down the slave trade within the limits of their immediate jurisdiction; they are also bound, by solemn obligations, to employ their utmost endeavors for its complete and universal extermination. They have both succeeded in their great and benevolent object, so far as the rigor of legislative enactments is capable of counteracting the temptation of enormous profit, which stimulates the unprincipled avarice of the slave merchant. It is facility of escaping detection, and not any want of severity in the punishment attached to a violation of their laws, which, as far as they are concerned, requires a more decisive remedy; and, a remedy adequate to the evil, can only be found in such measures as will strip the illicit trader of every disguise, and throw the chances entirely on the side of failure in his inhuman speculations. In the case of search, at sea, the means unavoidably employed in the commission of this crime are fortunately, it may be said providentially, of such a nature, as in general to furnish a plain substantial body of proof, for the conviction of the criminal.

For the satisfaction of those who seriously apprehend that the friendly relations subsisting between the two countries would be endangered by the admission of a practice which, in their opinion, must necessarily produce a vexatious exercise of authority on the part of the searching officer, and frequent complaints on that of the merchant, whose vessel is subjected to search, with the supposed aggravation of an unequal pressure on one of the contracting parties, His Majesty's Government would, doubtless, agree to confine the right of visit to a fixed number of cruisers on each side; restricted, in the performance of this duty, to certain specified parts of the ocean, and acting under regulations, prepared, by mutual consent, for the purpose of preventing abuses. To these important limitations, if not deemed sufficient, others might easily be added; the arrangement, for example, might be temporary; adopted, in the first instance, for a short period, and only to be continued in the event of its being found on trial, to operate in a satisfactory manner. With this understanding, a speedy termination would, at least, be insured, to any objectionable result attending its operation; and, for the sake of interests as dear to humanity, an experiment, of which the advantage, as to its main object, is certain and complete, the inconvenience, contingent and momentary, might surely be reconciled with a due regard to considerations exclusively national.

Supposing that inconvenience should be found, in practice, to press unequally on either of the two parties, Great Britain, and not the United States, is most likely to have cause of complaint, inasmuch as the greater extent of her trade, especially on the coast of Africa, must naturally expose her, in a greater degree, to any injurious consequences of the agreement. Great Britain, however, is less disposed to shrink from any sacrifice, by which she can materially advance the sacred cause of abolition, than to lament, and, if possible, to dispel those mistaken notions, and unfounded jealousies, which deprive her exertions of their full effect, and serve, but too successfully, to protract the existence of a mischief, which all unite in deploring. In point of principle, the honor of neither flag would be tarnished, by having its protection withdrawn for a season from those who perpetrate the atrocities of the slave trade; and permit me, sir, to add, that what Great Britain is ready to allow, in a matter so vital to her pride and to her power, may surely be allowed, reciprocally, by any other nation, however scrupulous in the maintenance of its maritime independence.

That an agreement between our respective cabinets, founded on a mutual right of search, thus guarded and explained, would fail to obtain the consent of the American Senate, or that a nation so inquiring and enlightened as the United States, would confound the proposed measures with that practice, which afforded matter of painful contention during the last wars in Europe, is what I am extremely unwilling to anticipate. The two objects are, in fact, so totally distinct from each other, in principle, purpose, and mode of execution, that the proposal of the British Government need only be presented to the examination, I will not say of a select and experienced assembly, but of the people at large, in order to be seen in its true bearings.

So far is the British proposal from tending to commit the American Government on the long disputed question of the belligerent right of search, that, if it may be supposed to touch that question at all, it appears rather to operate in the sense of the United States, than unfavorably for their view of the subject.

The officers intrusted on either side with the duty of examining suspected vessels, would necessarily act under instructions calculated to insure a perfect harmony between the principle and the application of this conceded right; nor is it to be feared that they would presume, in any case, to extend the visit thus authorized at sea, beyond the particular and specified object to which it is meant to be confined.

I have the honor to request, sir, that you will again accept the assurance of my highest consideration.

STRATFORD CANNING.

Hon. J. Q. Adams, *Sec'y State, &c.*

Mr. Adams to Mr. Canning.

Department of State,
Washington, June 24, 1823.

Sir: In the letter which I had the honor of addressing you, on the 31st of March last, a proposal was made, to be submitted to the consideration of your Government, that the *principle* assumed in an act of the Congress of the United States, of 15th May, 1820, of considering and punishing the African slave trade as *piracy*, should be adopted as the basis of a stipulation by treaty between the United States and Great Britain; and to be urged separately upon the adoption of France, and upon the other maritime nations of Europe, in the manner most conducive to its ultimate success. It was observed that this offer was presented as a substitute for that of conceding a mutual right of search, and a trial by mixed commissions, to which the United States could not be reconciled, and which would be rendered useless by it.

Your letter of the 8th of April, to which I have now the honor to reply, intimates that His Majesty's Government will be disposed to receive this offer only as an acknowledgment that measures more efficient than any now generally in force, are indispensable for the suppression of the slave trade; and that, although they have never opposed the consideration of any other plan, brought forward as equally effective, yet, having from the first regarded a mutual limited concession of the right of search, as the *only* true and practical cure for the evil, their prevailing sentiment will be of regret at the unfavorable view still taken of it by the Government of the United States. Your letter, therefore, urges a reconsideration of the proposal for this mutual right of search, and, by presenting important modifications of the proposal heretofore made, removes some of the objections which had been taken to it as insuperable, while it offers argumentative answers to the others which had been disclosed in my previous communications on this subject to you.

In the treaties of Great Britain with Spain, Portugal, and the Netherlands, for the suppression of the slave trade, heretofore communicated, with the invitation to the United States to enter into similar engagements, three principles were involved, to neither of which the Government of the United States felt itself at liberty to accede. The first was the mutual concession of the right of search and capture, in time of peace, over merchant vessels, on the coast of Africa. The second was, the exercise of that right even over vessels under *convoy* of the public officers of their own nation; and the third was, the trial of the captured vessels by mixed commissions in colonial settlements, under no subordination to the ordinary judicial tribunals of the country to which the party brought before them for trial should belong. In the course of the correspondence relating to these proposals, it has been suggested that a substitute for the trial by mixed commissions might be agreed to; and, in your letter of the 8th of April, an *expectation* is authorized, that an arrangement for the adjudication of the vessels detained, might leave them to be disposed of in the ordinary way, by the sentence of a Court of Admiralty in the country of the captor, or place them under the jurisdiction of a similar court in the country to which they belonged; to the former alternative, of which you anticipate the unhesitating admission of the United States, in consideration of the aggravated nature of the crime, as acknowledged by their laws, which would be thus submitted to a *foreign* jurisdiction. But it was precisely because the jurisdiction was *foreign* that the objection was taken to the trial by mixed commissions; and if it transcended the Constitutional authority of the Government of the United States to subject the persons, property, and reputation of their citizens, to the decisions of a court partly composed of their own countrymen, it might seem needless to remark, that the Constitutional objection could not diminish in proportion as its cause should increase, or that the Power incompetent to make American citizens amenable to a court consisting one-half of foreigners, should be adequate to place their liberty, their fortune, and their fame, at the disposal of tribunals entirely *foreign.* I would further remark, that the sentence of a Court of Admiralty in the country of the captor, is not the *ordinary way* by which the merchant vessels of one nation, taken on the high seas by the officers of another, are tried in time of peace. There is, in the ordinary way, no right whatever existing, to take, to search, or even to board them; and I take this occasion to express the great satisfaction with which we have seen this principle solemnly recognised by the recent decision of a British Court of Admiralty. Nor is the aggravation of the crime for the trial of which a tribunal may be instituted, a cogent motive for assenting to the principle of subjecting American citizens, their rights and interests, to the decision of foreign courts; for, although Great Britain, as you remark, may be willing to abandon those of her subjects who defy the laws and tarnish the character of their country, by participating in this trade, to the dispensation of justice even by foreign hands, the United States are bound to remember that the power which enables a court to try the guilty, authorizes them also to pronounce upon the fate of the innocent; and that the very question of *guilt* or innocence is that which the protecting care of their Constitution has reserved for the citizens of this Union, to the exclusive decision of their own countrymen. This principle has not been departed from by the statute which has branded the slave trader with the name, and doomed him to the punishment of a pirate. The distinction between *piracy* by the law of nations, and *piracy* by statute, is well known and understood in Great Britain; and while the former subjects the transgressor guilty of it to the jurisdiction of any and every country into which he may be brought, or wherein he may be taken, the latter forms a part of the municipal criminal code of the country where it is enacted, and can be tried only by its own courts.

There remains the suggestion that the slave trader, captured under the mutual concession of the power to make the capture, might be delivered over to the jurisdiction of his own country. This arrangement would not be liable to the Constitutional objection which must ever apply to the jurisdiction of the mixed commission, or of the admiralty courts of the captor. And if your note is to be understood as presenting it in the character of an alternative, to which your Government is disposed to accede, I am authorized to say that the President considers it as sufficient to remove the insuperable obstacle which had precluded the assent of the United States to the former proposals of your Government, resulting from the character and composition of the tribunals to whom the question of guilt or innocence was to be committed.

The objections to the right of search, as incident to the right of detention and capture, are also in a very considerable degree removed by the introduction of the principle that neither of them should be exercised, but under the responsibility of the captor to the tribunals of the captured party, in damages and costs. This guard against the abuses of a power so liable to abuse would be indispensable; but if the provisions necessary for securing effectually its practical operation would reduce the right itself to a power merely nominal, the stipulation of it in a treaty would serve rather to mark the sacrifice of a great and precious principle, than to attain the end for which it would be given up.

In the objections heretofore disclosed to the concession desired, of the mutual and qualified right of search, the principal stress was laid upon the repugnance which such a concession would meet in the public feeling of this country, and of those to whom its interests are intrusted in the department of this Government, the sanction of which is required for the ratification of treaties. The irritating tendency of the practice of search, and the inequalities of its present operation, were slightly noticed, and have been contested in argument, or met by propositions of possible palliatives, or remedies for anticipated abuses, in your letter. But the source and foundation of all these objections was in our former correspondence scarcely mentioned, and never discussed. They consist in the nature of the right of search at sea, which, as recognised or tolerated by the usage of nations, is a right exclusively of *war*, never exercised but by an outrage upon the rights of *peace*. It is an act analogous to that of searching the dwelling-houses of individuals on the land. The vessel of the navigator is his dwelling-house, and like that, in the sentiment of every people that cherishes the blessings of personal liberty and security, ought to be a sanctuary inviolable to the hand of power, unless upon the most unequivocal public necessity, and under the most rigorous personal responsibility of the intruder. Search at sea, as recognised by all maritime nations, is confined to the single object of finding and taking contraband of war. By the law of nature, when two nations conflict together in war, a third (remaining neutral) retains all its rights of peace and friendly intercourse with both. Each belligerent, indeed, acquires by war the right of preventing a third party from administering to his enemy the direct and immediate materials of war; and, as incidental to this right, that of searching the merchant vessels of the neutral on the high seas to find them. Even thus limited, it is an act of power which nothing but necessity can justify, inasmuch as it cannot be exercised, but by carrying the evils of war into the abodes of peace, and by visiting the innocent with some of the penalties of guilt. Among the modern maritime nations an *usage* has crept in, not founded upon the law of nature—never universally admitted—often successfully resisted—and against which all have occasionally borne testimony, by renouncing it in treaties—of extending this practice of search and seizure to *all* the property of the enemy in the vessel of the friend. The practice was, in its origin, evidently an abusive and wrongful extension of the search for contraband, effected by the belligerent, because he was armed; submitted to by the neutral, because he was defenceless; and acquiesced in by his Sovereign, for the sake of preserving a remnant of peace, rather than become himself a party to the war. Having thus occasionally been practised by all as belligerents, and submitted to by all as neutrals, it has acquired the force of an usage, which, at the occurrence of every war, the belligerent may enforce or relinquish, and which the neutral may suffer or resist at their respective options.

This search for, and seizure of, the property of an enemy in the vessel of a friend, is a relict of the barbarous warfare of barbarous ages; the cruel, and, for the most part, now exploded system of private war. As it concerns the enemy himself, it is inconsistent with that mitigated usage of modern wars, which respects the private property of individuals on the land. As relates to the neutral, it is a violation of his natural right to pursue, unmolested, his peaceful commercial intercourse with his friend. Invidious as is its character, in both these aspects, it has other essential characteristics, equally obnoxious. It is an uncontrolled exercise of authority, by a man in arms, over a man without defence; by an officer of one nation over the citizen of another; by a man intent upon the annoyance of his enemy, responsible, for the act of search, to no tribunal, and always prompted to balance the disappointment of a fruitless search, by the abusive exercise of his power, and to punish the neutral for the very clearness of his neutrality. It has, in short, all the features of unbridled power, stimulated by hostile and unsocial passions.

I forbear to enlarge upon the further extension of this practice, by referring to injuries which the United States experienced, when neutral, in a case of vital importance; because, in digesting a plan for the attainment of an object, which both nations have equally at heart, it is desirable to avoid every topic which may excite painful sensations on either side. I have adverted to the interest in question, from necessity, it being one which could not be lost sight of in the present discussion.

Such being the view taken of the right of search, as recognised by the law of nations, and exercised by belligerent Powers, it is due to candor to state, that my Government has an insuperable objection to its extension by treaty, in any manner whatever, lest it might lead to consequences still more injurious to the United States, and especially in the circumstance alluded to. That the proposed extension will operate, in time of peace, and derive its sanction from compact, presents no inducements to its adoption. On the contrary, they form strong objections to it. Every extension of the right of search, on the principles of that right, is disapproved. If the freedom of the sea is abridged by compact for any new purpose, the example may lead to other changes. And if its operation is extended to a time of peace, as well as of war, a new system will be commenced for the dominion of the sea, which may, eventually, especially by the abuses into which it may lead, confound all distinction of time and circumstances, of peace and of war, and of rights applicable to each State.

The United States have, on great consideration, thought it most advisable to consider this trade as piracy, and to treat it as such. They have thought that the trade itself might, with great propriety, be placed in that class of offences; and that, by placing it there, we should more effectually accomplish the great object of suppressing the trade, than by any other measure which we could adopt.

To this measure, none of the objections which have been urged against the extension of the right of search, appear to be applicable. Piracy being an offence against the human race, has its well known incidents of capture and punishment by death, by the people and tribunals of every country. By making this trade piratical, it is the nature of the crime which draws after it the necessary consequences of capture and punishment. The United States have done this by an act of Congress, in relation to themselves. They have, also, evinced their willingness, and expressed their desire, that the change should become general, by the consent of every other Power, whereby it would be made the law of nations. Till then, they are bound, by the injunctions of their Constitution, to execute it, so far as it respects the punishment of their own citizens, by their own tribunals. They consider themselves, however, at liberty, until that consent is obtained, to co-operate, to a certain extent, with other Powers, to insure a more complete effect to their respective acts; they placing themselves, severally, on the same ground, by legislative provisions. It is in this spirit, and for this purpose, that I have made to you the proposition under consideration.

By making the slave trade piratical, and attaching to it the punishment, as well as the odium, incident to that crime, it is believed that much has been done by the United States to suppress it in their vessels and by their citizens. If your Government would unite in this policy, it is not doubted that the happiest consequences would result from it. The example of Great Britain, in a manner so decisive, could not fail to attract the attention and command the respect of all her European neighbors. It is the opinion of the United States that no measure, short of that proposed, will accomplish the object so much desired; and it is the earnest desire of my Government, that the Government of His Britannic Majesty may co-operate in carrying it into effect.

I pray you, sir, to accept the renewed assurances of my distinguished consideration.

JOHN Q. ADAMS.

Right Hon. Stratford Canning,
Envoy Extraordinary, &c.

Extract of a letter from Mr. Adams to Mr. Nelson, dated

Department of State,
Washington, April 28, 1823.

"A resolution of the House of Representatives, at the last session of Congress, requests the President to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world. You will take an early opportunity to make known this disposition to the Spanish Government; communicating to them copies of the fourth and fifth sections of the act of 3d March, 1819, which declares this traffic piratical when pursued by citizens of the United States; and you will express the willingness of the American Government to enter into negotiations for the purpose of declaring it so, by the common consent of nations."

Extract of a letter from Mr. Adams to Mr. Rodney, dated

Department of State,
Washington, May 17, 1823.

"A resolution of the House of Representatives, at the late session of Congress, requests the President of the United States to enter upon, and prosecute, from time to time, such negotiations, with the several maritime Powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation, as piracy, under the law of nations, by the consent of the civilized world.

"In pursuance of the object, proposed by this resolution, you will communicate to the Government of Buenos Ayres, copies of the several acts of Congress, for the suppression of the slave trade, of the 20th of April, 1818; (U. S. Laws, vol. 6, page 325;) 3d March, 1819, (page 435,) and of 15th May, 1820, (page 529;) pointing their attention, particularly, to the fourth and fifth sections of the list, which subject to the penalties of piracy every citizen of the United States, guilty of active participation in the African slave trade. The adoption of this principle, in the legislative code of all the maritime nations, would, of itself, probably, suffice for the suppression of the trade. But, as it would yet not authorize the armed vessels of any one nation to capture those of another, engaged in the trade, a stipulation to that effect might be agreed to, by treaty, conditioned that the captor shall deliver over the captured party to the tribunals of his own country for trial; to which should be added, some guard of responsibility upon the capturing officer, to prevent the abusive exercise of his power."

Extract from the General Instructions to Richard C. Anderson, appointed Minister Plenipotentiary to the Republic of Colombia, dated

Department of State,
Washington, May 27, 1824.

"A resolution of the House of Representatives, at the late session of Congress, requests the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.

"In pursuance of this subject, you will communicate to the Colombian Government copies of the several acts of our Congress for the suppression of the slave trade, of the 20th of April, 1818, (U. S. Laws, vol. vi. p. 325,) of 3d March, 1819, (p. 435,) and of 15th May, 1820, (page 529,) pointing their attention particularly to the 4th and 5th sections of the last, which subject to the penalties of piracy every citizen of the United States guilty of active participation in the African slave trade. The adoption of this principle in the legislative code of all the maritime nations, would, of itself, probably, suffice for the suppression of the trade; but, as it would yet not authorize the armed vessels of any one nation to capture those of another engaged in the trade, a stipulation to that effect may be agreed to by the treaty, conditioned that the captor shall deliver over the captured party to the tribunals of his own country for trial; to which should be added some guard of responsibility upon the capturing officer, to prevent the abusive exercise of his powers."

Extract of a letter from Mr. Adams to Mr. Rush, dated

DEPARTMENT OF STATE,
Washington, June 24, 1823.

"A resolution of the House of Representatives, almost unanimously adopted at the close of the last session of Congress, requested 'the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.'

"At the two preceding sessions of Congress, committees of the House had proposed a resolution, expressed in more general terms, that 'the President of the United States be requested to enter into such arrangements as he may deem suitable and proper, with one or more of the maritime Powers of Europe, for the effectual abolition of the African slave trade;' and this resolution had, in each case, been the conclusion of a report, recommending that the United States should accede to the proposal of a mutual and qualified concession of the right of search. The sentiments of the committee were, in this respect, different from those which had been expressed by the Executive Department of the Government, in its previous correspondence with that of Great Britain. No decision, by the House of Representatives, was made upon these resolutions, proposed at the preceding sessions; but, upon the adoption of that which did pass at the last session, it was well ascertained, that the sentiments of the House, in regard to the right of search, coincided with those of the Executive; for they explicitly rejected an amendment which was moved to the resolution, and which would have expressed an opinion of the House, favorable to the mutual concession of that right.

"You have been fully informed of the correspondence between the Governments of the United States and of Great Britain concerning the suppression of the slave trade heretofore; and have been, from time to time, effectually instrumental to it yourself. You are aware of the grounds upon which the proposals, on the part of Great Britain, that the United States should accede to the stipulations similar to those which she had succeeded in obtaining from Spain, Portugal, and the Netherlands, were on our part declined.

"The subject was resumed by the British Minister residing here, Mr. S. Canning, a short time before the decease of the Marquis of Londonderry. It was suggested that, since the total disappearance of the British and American flags, as well as of those of the nations which had consented to put the execution of their laws against the trade under the superintendence of British naval officers, it continued to flourish under that of France; that her laws, though in word and appearance equally severe in proscribing the traffic, were so remiss in the essential point of execution, that their effect was rather to encourage than to suppress it; and the American Government was urged to join in friendly representations to that of France, by instructing the Minister of the United States at Paris to concur in those which the British Ambassador at that Court had been charged with making, to insure a more vigilant fulfilment of the prohibitory laws. This invitation, at that time given only in oral conference, was also declined, from an impression that such a concurrence might give umbrage to the French Government, and tend rather to irritation than to the accomplishment of the object for which it was desired. Mr. Gallatin was, nevertheless, instructed separately to bring the subject to the notice of the French Government, and did so, by a note communicating to them copies of the recent laws of the United States for the suppression of the trade, and particularly of that by which it has subjected every citizen of the United States, who, after the passage of the law, should be polluted with it, to the penalties of piracy.

"On the 29th of January last, Mr. Canning, in a letter to this Department, repeated the invitation of a joint and concurrent remonstrance, to be made by the British Ambassador, and our Minister in France; and at the same time called, with great earnestness, upon the Government of the United States, either to accede to the principle of the mutual and qualified right of search, emphatically pronounced, in his belief, to be the only effectual measure devised, or likely to be devised, "for the accomplishment of the end, or to bring forward some other scheme of concert," which it again declared the readiness of His Majesty's

Minister to examine with respect and candor, as a substitute for that of the British Cabinet.

"However discouraging this call for an alternative might be, thus coupled as it was with so decisive a declaration of belief, that no effectual alternative had been, or was likely to be, devised, an opportunity was offered, in pursuance of the resolution of the House of Representatives, adopted at the close of the late session of Congress, for proposing a substitute, in our belief more effectual than the right of search could be, for the total and final suppression of this nefarious trade, and less liable either to objections of principle, or to abuses of practice.

"This proposition was accordingly made in my letter to Mr. Canning of the 31st of March last, to which his letter of the 8th of April was the answer. In this answer, Mr. Canning barely notices our proposition to express an opinion that his Government will see in it nothing but an acknowledgment of the necessity of further and more effectual measures, and then proceeds with an elaborate review of all the objections which, in the previous correspondence between the two Governments, had been taken on our part to the British connected proposal of a mutual right of search, and a trial by mixed commissions. Our objection had been of two kinds; first, to the mixed commissions, as inconsistent with our Constitution; and secondly, to the right of search, as a dangerous precedent, liable to abuse, and odious to the feelings and recollections of our country.

"In this letter of Mr. Canning, the proposal of trial by mixed commissions, is formally withdrawn, and an alternative presented as practicable, one side of which only, and that the inadmissible side, is distinctly offered, namely, of trial by the courts of the captor. The other side of the alternative would, indeed, remove our Constitutional objection, and with it might furnish the means of removing the principal inherent objection to the concession of the right of search, that by which the searching officer is under no responsible control for that act.

"But, in our previous correspondence, our strong repugnance to the right of search had been adverted to, merely as a matter of fact, without tracing it to its source, or referring to its causes. The object of this forbearance had been to avoid all unnecessary collision with feelings and opinions, which were not the same on the part of Great Britain and upon ours. They had been willingly left undiscussed. This letter of Mr. Canning, however, professedly reviewing all the previous correspondence, for the removal or avoidance of our objections, and contesting the analogy between the right of search, as it had been found obnoxious to us, and as now proposed for our adoption by formal compact, I have been under the absolute necessity of pointing out the analogies really existing between them, and of showing that, as right of search, independent of the right of capture, and irresponsible, or responsible only to the tribunals of the captor, it is, as proposed, essentially, liable to the same objections, as it had been, when exercised as a belligerent right. Its encroaching character, founded in its nature as an irresponsible exercise of force, and exemplified in its extension from search for contraband of war, to search for enemies' property, and thence to search for men of the searcher's own nation, was thus necessarily brought into view, and connected the exhibition of the evils inherent in the practice, with that of the abuses which have been found inseparable from it.

"We have declared the slave trade, so far as it may be pursued by citizens of the United States, piracy; and, as such, made it punishable with death. The resolution of the House of Representatives recommends negotiation, to obtain the consent of the civilized world to recognise it as piracy, under the law of nations. One of the properties of that description of piracies is, that those who are guilty of it may be taken up on the high seas, and tried by the courts of every nation. But, by the prevailing customary law, they are tried only by the tribunals of the nation to which the vessel belongs in which the piracy was committed. The crime itself has been, however, in modern times, of so rare occurrence, that there is no uniformity in the laws of the European nations with regard to this point, of which we have had remarkable and decisive proof within these five years, in the case of piracy and murder, committed on board the schooner Plattsburg, a merchant vessel of the United States. Nearly the whole of her crew were implicated in the crime, which was committed on the high seas. They carried the vessel into Christiansand, in Norway, there abandoned her, and dispersed; three of them were taken up in Denmark, one in Sweden, one at Dantzig, in Prussia, and one in France. Those taken up in Denmark, and in Sweden, were delivered up to officers of the United States, brought to this country, tried, convicted, and executed. The man taken at Dantzig, was, by the consent of the Prussian Government, sent to Elsineur, and there confronted with those taken in Denmark. The evidence against him on the examination was decisive, but, as he persisted in the refusal to confess his guilt, the Prussian Government, bound by an established maxim of their municipal law, declined either to deliver him up, or to try him themselves, but sent him back to Dantzig, there to remain imprisoned for life. The French Government, upon advisement of the highest judicial authority of the Kingdom, declined, also, either to try the man taken up there, or to deliver him up, unless upon proof of his guilt being produced against him, at the place where he was confined; with which condition, it not having been in our power to comply, the man remained there, also in prison, presumably for life. From these incidents, it is apparent that there is no uniformity in the modes of trial, to which piracy, by the law of nations, is subjected in different European countries; but that the trial itself is considered as the right and the duty only of the nation to which the vessel belongs, on board of which the piracy was committed. This was, however, a piracy, committed on board of a vessel by its own crew. External piracies, or piracies committed by, and from one vessel against another, may be tried by the courts of any country, but are more usually tried by those of the country whose vessels have been the sufferers of the piracy, as many of the Cuba pirates have been tried in the British West India islands, and some of them in our courts.

"This principle we should wish to introduce into the system, by which the slave trade should be recognised as piracy under the law of nations; namely, that, although seizable by the officers and authorities of every nation, they should be triable only by the tribunals of the country of the slave-trading vessel. This provision is indispensable to guard the innocent navigator against vexatious detentions, and all the evils of arbitrary search. In committing to foreign officers the power, even in a case of conventional piracy, of arresting, confining, and delivering over for trial, a citizen of the United States, we feel the necessity of guarding his rights from all abuses, and from the application of any laws of a country other than his own.

"The draught of a convention is herewith enclosed, which, if the British Government should agree to treat upon this subject on the basis of a legislative prohibition of the slave trade by both parties, under the penalties of piracy, you are authorized to propose and to conclude. These articles, however, are not offered to the exclusion of others which may be proposed on the part of the British Government, nor is any one of them, excepting the first, to be insisted on as indispensable, if others equally adapted to answer their purposes should be proposed. It is only from the consideration of the crime in the character of piracy, that we can admit the visitation of our merchant vessels by foreign officers for any purpose whatever, and in that case only under the most effective responsibility of the officer for the act of visitation itself and for every thing done under it.

"If the sentiments of the British Government should be averse to the principle of declaring the trade itself, by a legislative act, piratical, you will not propose, or communicate to them, the enclosed project of convention. Its objects, you will distinctly understand, are two-fold; to carry into effect the resolution of the House of Representatives; and to meet, explicitly and fully, the call so earnestly urged by the British Government, that, in declining the proposals pressed by them upon us, of conceding a mutual and qualified right of search, we should offer a substitute for their consideration. The substitute, by declaring the crime piracy, carries with it the right of search for the pirates, existing in the very nature of the crime. But, to the concession of the right of search, distinct from the denomination of the crime, our objections remain in all their original force.

"It has been intimated by Mr. S. Canning, that the suggestion itself, to the British Government, of the propriety of their passing a legislative act, might excite in them some repugnancy to it. We should regret the excitement of this feeling, which the very nature of the negotiation seems to foreclose. Besides the legislative enactments which have virtually been pressed upon us, by all the invitations to concede the right of search, and to subject our citizens to trial for violations of our own laws, by foreign tribunals, Great Britain, in almost all her slave-trade treaties, has required, and obtained, express stipulations, for the enactment of prohibitory laws, by France, Spain, Portugal, and the Netherlands. It was not expected that she would receive with reluctance, herself, a mere invitation to that which she had freely and expressly required from others. Still, if the sentiment should exist, we would forbear pressing it to the point of irritation, by importunity. You will, in the first instance, simply state, that, if the British Government is prepared to proclaim the slave trade piracy, by statute, you are authorized to propose and to conclude a convention, by which the mutual co-operation of the naval force of Great Britain and of the United States may be secured, for carrying into effect the law, which, on that contingency, will be common to both. Should the obstacle to the preliminary prove insuperable, you will refer the objections, on the part of the British Cabinet, to this Government, for consideration.

"By the loose information hitherto communicated in the public journals, it would seem that the proposition for recognising the slave trade as piracy, by the Law of Nations, was discussed at the Congress of Verona. We are expecting the communication of the papers relating to this subject, promised by Lord Liverpool to be laid before Parliament. Heretofore, although the United States have been much solicited and urged to concur in the measures of Great Britain and her allies, for the suppression of the trade, they have been always commnnicated to us as purposes consummated, to which the accession of the United States was desired. From the general policy of avoiding to intermeddle in European affairs, we have acquiesced in this course of proceeding; but, to carry fully into effect the late resolution of the House of Representatives, and to pursue the discussions, hereafter, with Great Britain herself, whether upon her proposals or upon ours, it is obviously proper that communication should be made to us of the progress of European negotiation, for accomplishing the common purpose, while it is in deliberation. If we are to co-operate in the result, it is just that we should be consulted, at least, with regard to the means which we are invited to adopt."

SUPPRESSION OF THE SLAVE TRADE.

A Convention for the suppression of Piracy, committed by the African Slave Trade.

Article 1. The two high contracting Powers, having each separately, by its own laws, subjected their subjects and citizens, who may be convicted of carrying on the illicit traffic in slaves on the coast of Africa, to the penalties of piracy, do hereby agree to use their influence, respectively, with the other maritime and civilized nations of the world, to the end that the said African slave trade may be recognised and declared to be piracy, under the law of nations.

Article 2. It is agreed by the high contracting parties, that the commanders and commissioned officers of either nation, duly authorized, under the regulations and instructions, of their respective Governments, to cruise on the coast of Africa, of America, or of the West Indies, for the suppression of the slave trade, shall be authorized, under the conditions, limitations, and restrictions, hereinafter mentioned, to capture and deliver over to the duly authorized and commissioned officers of the other, any ship or vessel carrying on such illicit traffic in slaves, under the flag of the said other nation, or for the account of their subjects or citizens, to be sent in for trial and adjudication by the tribunals of the country to which such slave ship or vessel shall belong. And the said commanders and commissioned officers shall be further authorized to carry, or send in, any such slave-trading ship, so by them captured, into the ports of the country to which such slave-trading ship shall belong, for trial by the tribunals, and conformably to the laws, of said country. But the slave ship, so captured, shall not be sent into the ports, or tried by the tribunals of the captor.

Article 3. If any naval commander or commissioned officer of the United States of America, shall, on the high seas, or any where without the territorial jurisdiction of the said States, board, or cause to be boarded, any merchant vessel of Great Britain, and visit the same as a slave trader, or on suspicion of her being engaged in carrying on the illicit traffic in slaves, in every case, whether the said visited vessel shall be captured and delivered over, or sent into the ports of her own country for trial and adjudication, or not, the boarding officer shall deliver to the master or commander of the visited vessel a certificate in writing, signed by the said boarding officer with his name, and the addition of his rank in the service of the United States, and the name of the public vessel of the United States, and of her commander, by whose order the said visit shall have been ordered; and the said certificates shall declare, that the only object of the said visit is to ascertain whether the said British merchant vessel is engaged in the slave trade, or not; and if found to be so engaged, to take, and deliver her over to the officers, or the tribunals of her own nation, for trial and adjudication. And the commander of the said public vessel of the United States shall, when he delivers her over to the officers or tribunals of Great Britain, deliver all the papers found on board of the captured vessel, indicating her national character, and the objects of her voyage, and with them a like certificate of visitation, in writing, signed by his name, with the addition of his rank in the Navy of the United States, and the name of the public vessel commanded by him, together with the name and rank of the boarding officer, by whom the said visit was made. This certificate shall, also, specify all the papers received from the master of the vessel detained, or visited, or found on board the vessel, and shall contain an authentic declaration, exhibiting the state in which he found the vessel detained, and the changes, if any, which have taken place in it, and the number of slaves, if any, found on board at the moment of detention. And the same duties herein described shall devolve upon every commander, or commissioned officer, of the royal navy of Great Britain, by whom, or by whose order, any merchant vessel of the United States, or navigating under their flag, shall be visited for the said purposes, and upon the boarding officer by whom the visit shall be effected, on the high seas, or any where without the territorial jurisdiction of Great Britain.

Article 4. No merchant vessel of either of the contracting parties, under the convoy of a public vessel of her own nation, shall, under any circumstances whatever, be captured, or visited by, or from, any public vessel of the other nation, as being engaged, or on suspicion of being engaged, in the slave trade.

Article 5. No search shall be made by, or under the orders of, the commander or boarding officer of any public vessel of either party visiting any merchant vessel of the other, as being engaged, or under suspicion of being engaged, in the slave trade, excepting such as may be necessary to ascertain if there be slaves on board for the purposes of the said traffic, or other proof that the said vessel is so engaged. No person shall be taken out of the said visited or captured merchant vessel of either nation, by the commanding officer of the visiting vessel, or under his order. Nor shall any part of the cargo of the said visited vessel be removed out of her, until delivered over to the officers, or tribunals, of her own nation.

Article 6. When a merchant vessel of either nation shall be captured, as being engaged in the slave trade, by any commander, or commissioned officer, of the navy of any other nation, it shall be the duty of the commander of any public ship of the navy of the nation to which the captured vessel shall belong, upon the offer thereof being made to him by the commander of the capturing vessel, to receive into his custody the vessel so captured, and to carry, or to send, the same into the ports of his own country, for trial and adjudication. And at the time of the delivery of the said vessel, an authentic declaration shall be drawn up, in triplicates, signed by both the commanders of the delivering and of the receiving vessel, one copy of which shall be kept by each of them, stating the circumstances of the delivery; the condition of the vessel captured, at the time of the delivery; the number of slaves, if any, on board of her; a list of all the papers received, or found on board of her at the time of capture, and delivered over with her, and the names of the master or commander of the captured vessel, and of every person on board of her, other than the slaves, at the said time of delivery; and the third copy of the said declaration shall be transmitted with the said captured vessel, and the papers found on board of her, to one of the ports of the country to which the said captured vessel shall belong, to be produced before the tribunal appointed, or authorized, to decide upon the said capture; and the commander of the said capturing vessel shall be authorized to send the boarding officer, and one or two of his crew, with the said captured vessel, to appear as witnesses of the facts in relation to her capture and detention, before the said tribunal. The reasonable expenses of which witnesses, in proceeding to the place of trial, during their necessary detention there, and for their return to their own country, or to rejoin their station in its service, shall be allowed by the tribunal of trial: and in case of the condemnation of the captured vessel, be defrayed from the proceeds of the sale thereof; and in case of the acquittal of the said vessel, they shall be paid by the Government of the capturing officer.

Article 7. The commander or commissioned officer of the navy of either of the contracting parties, having captured a merchant vessel of the other, as being engaged in the slave trade, if there be no public vessel of the nation to which the said captured vessel belongs, cruising upon the same station, to the commander of whom the said captured vessel may be delivered over as stipulated in the preceding article, shall carry or send the said captured vessel to some convenient port of her own country, there to be delivered up to the competent tribunal for trial and adjudication. And the said captured vessel shall there be libelled, in the name and behalf of the captors; and in case of the condemnation of the said vessel, the proceeds of the sale thereof and of her cargo, if also condemned, shall be paid to the commander of the said capturing vessel, for the benefit of the captors; to be distributed according to the established rules of the service of the nation to which such capturing vessel shall belong, for the distribution of prize money.

Article 8. The captain or commander and crew of the said vessel, so captured and sent in for trial and adjudication, shall be proceeded against conformably to the laws of the country, whereinto they shall be so brought upon the charge of piracy, by being engaged in the African slave trade; and the captain, or commander, the boarding officer, and other persons belonging to the capturing vessel shall be competent witnesses to the facts relating to the said charge and to the capture of the said vessel, to which they shall be personally knowing. But every such witness, upon the criminal trial for piracy, shall be liable to be challenged by the person accused, and set aside as incompetent, unless he shall release and renounce all his individual claim to any part of the prize money, upon the condemnation of the vessel and cargo.

Article 9. It is agreed between the high contracting parties that the right of visiting, capturing, and delivering over for trial the vessels engaged in the African slave trade, and assuming their respective flags, is mutually conceded to the officers of their respective navies, on the consideration that they have, by their respective laws, declared their citizens and subjects, actively participating in the said traffic, guilty of the crime of piracy.

That no part of this Convention shall be so construed as to authorize the detention, search, or visitation, of the merchant vessels of either nation, by the public officers of the navy of the other, except vessels engaged in the African slave trade, or for any other purpose whatever than that of seizing and delivering up the persons and vessels concerned in that traffic, for trial and adjudication, by the tribunals and laws of their own country.

Article 10. It is further agreed that this right of visiting, detaining, and delivering, over for trial, vessels engaged in the slave trade, shall be exercised only by the commissioned officers of the navy of the parties, respectively, furnished with instructions from their respective Governments, for the execution of their respective laws for the suppression of the slave trade. That the boarding officer, and the captain, or commander, of the vessel exercising these rights, or either of them, shall be personally responsible in damages and costs to the master and owners of every merchant vessel so by them delivered over, detained, or visited, for every vexatious or abusive exercise of the right. In the case of every vessel delivered over, as herein stipulated, for trial, the tribunal shall be competent to receive the complaint of the master, owner, or owners, or of any person on board of such captured vessel, or interested in the property of her cargo at the time of her detention, and on suitable proof of such vexatious or abusive detention or visitation, to award reasonable damages and costs to the sufferers, to be paid by the said commanding or boarding officer, or either of them, so charged with vexatious or abusive detention, or visit. And the high contracting parties agree that their respective Governments shall, in every such case, cause payment to be made of all such damages and costs so awarded, to the persons so entitled to receive them, within twelve months from the date of such award. And if any case of such vexatious or abusive detention, or visit, should occur, in which the vessel detained or visited shall not be delivered over for trial and adjudication, as herein provided, the commander and boarding officer by whom such vexatious and abusive detention or visit shall have been made, shall, also, be responsible in costs and damages to the sufferers, upon complaint before the competent Admiralty Court of the country of the said commander and boarding officer. And the respective Governments shall, in like manner, cause payment to be made of any damages and costs awarded by said court, within twelve months from the date of the award.

Article 11. A copy of this Convention, and of the laws of the two countries actually in force, for the prohibition and suppression of the African slave trade, shall be furnished to every commander of the public vessels, instructed to carry into effect such prohibition. And in case any such commanding officer of the Navy of the United States, or of Great Britain, shall deviate in any respect from the dispositions of this treaty, and from the instructions of his Government conformable to it, the Government which shall conceive itself to be wronged by such conduct shall be entitled to demand reparation; and in such case the Government of the nation, to the service of which he may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon him, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

ARTICLE 12. The present Treaty, consisting of —— articles, shall be ratified, and the ratifications exchanged within one year from this date, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and thereunto affixed their seals.

Done at ——, the —— day of ——, in the year of our Lord ——.

Mr. Adams to Mr. Middleton.—No. 17.

DEPARTMENT OF STATE,
Washington, July 28, 1823.

SIR: At the close of the last session of Congress, a resolution was adopted by the House of Representatives, almost unanimously, requesting "the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world."

In pursuance of this resolution, instructions for carrying it into effect have been given to the Ministers of the United States destined to the Republics of Colombia and Buenos Ayres, and to the Minister who has recently departed for Spain. But, as a negotiation for co-operation to effect the suppression of the African slave trade, had already been commenced with Great Britain, a special instruction upon the subject was forwarded to Mr. Rush, together with a full power, and a draught of a convention, to be proposed, in substance, to that Government, and which he has been authorized to conclude.

A copy of that instruction and draught are herewith enclosed; the general terms of which you will communicate, at such time, and in such manner, to the Imperial Russian Government, as you shall think proper.

You will, also, communicate to them the purport of the resolution of the House of Representatives above cited, and copies of the laws of the United States prohibiting the slave trade. You will particularly invite their attention to the two sections of the act of the 15th May, 1820, by which this offence, when committed by citizens of the United States, is subjected to the penalties of piracy.

The proposal that this principle should be recognised by the general consent of civilized nations, recommended by the resolution of the House of Representatives, appears to be substantially the same with that made by Great Britain, at the Congress of Verona. It was not acceded to by any one of the other Powers there assembled, and the conferences on this subject terminated there by a mere renewal of the joint declaration against the traffic, of the Congress at Vienna. So long as the trade shall not be recognised as piracy by the law of nations, we cannot, according to our Constitution, subject our citizens to trial for being engaged in it, by any tribunal other than those of the United States.

The admission of the crime as piracy, by the law of nations, would seem necessarily to subject the perpetrators of it to *capture*, by the armed force of every nation. And this might endanger the lawful commerce of the maritime nations, by subjecting them to the abuses of vexatious searches, without some special provision to guard against them.

This is the object of the stipulations proposed in the draught herewith transmitted; requiring that all vessels of one nation, which may be captured as slave traders by the cruisers of another, should be delivered over for trial to the tribunals of their *own* country.

You will see that Mr. Rush is instructed to correspond with you upon this subject. If the draught of the articles enclosed should lead to the conclusion of a convention between the United States and Great Britain, a communication of it to the Russian Government will be made as soon as possible, and we shall propose that His Imperial Majesty's accession to it, if agreeable to him, shall be invited.

In the mean time, you will informally suggest to his Ministry, that it will be the desire of the Government of the United States to proceed in this matter, in perfect good understanding and harmony with them; and you will farther intimate that, as this has now become a general concern of the whole civilized world, and as Great Britain is negotiating, *jointly* and *severally*, with each and every of her allies in Europe, apart, and again with them altogether, while she is also separately treating with us, we wish it to be considered whether it would not be expedient on all sides, that communications should be made to us of all the jointly concerted measures, while they are mere proposals; and not that the knowledge of them should be withheld from us, until they are matured into positive treaties.

I am, with great respect, sir, yours, &c.

JOHN QUINCY ADAMS.

HENRY MIDDLETON,
Envoy, &c., at St. Petersburg.

Mr. Adams to Mr. Everett—No. 10.

DEPARTMENT OF STATE,
Washington, Aug. 8, 1823.

SIR: At the close of the last session of Congress, a resolution was adopted, almost unanimously, by the House of Representatives, "That the President of the United States be requested to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world."

In pursuance of this resolution, instructions for carrying it into effect have been given to the Ministers of the United States, destined to the Republics of Colombia and of Buenos Ayres, and to the several Ministers of the United States in Europe.

As a negotiation for co-operation to effect the suppression of the slave trade had already been commenced with Great Britain, a special instruction upon the subject has been forwarded to Mr. Rush, together with a full power, and a draught of a convention to be proposed in substance to the British Government, and which he is authorized to conclude.

A necessary preliminary to the conclusion of the proposed convention, should it meet the assent of the British Government, will be the enactment of a statute declaring the crime of African slave trading piracy by the British law. In that event, it is proposed, by proper co-operation, that the influence of the two Powers should be exerted to obtain the consent of other nations to the general outlawry of this traffic as piracy. In the mean time, to give at once effect to the concert of both nations, it is proposed that the armed vessels of both, duly authorized and instructed, shall have power to capture the slave-trading vessels which may assume the flag of either, and, if not of their own nation, to deliver over the captured slave trader to the officers or tribunals of his own country for trial and adjudication.

This principle is essential, as connected with that of constituting the traffic piracy by the law of nations. So long as the offence was considered as of inferior magnitude, the Constitution of the United States forbade the submission of it, when charged upon their citizens, to any foreign tribunal; and when the crime and the punishment are aggravated to involve the life of the accused, it affords but a more imperative inducement for securing to him the benefit of a trial by his countrymen and his peers.

It appears that at the conference of Verona the proposition was made by the British Government that the slave trade should be recognised and proclaimed as piracy by the law of nations. We have therefore reason to hope that the proposal now made to them, on the part of the United States, will be favorably considered by them. In that case, further communications on the subject with other Governments will ensue.

In the mean time, to fulfil the intentions of the House of Representatives, in relation to the Netherlands, you will communicate to their Government a copy of the resolution, together with copies of the laws of the United States prohibiting the slave trade, with particular notice of the two sections of the act of the 15th of May, 1820, by which the crime of being concerned in the African slave trade, when committed by citizens of the United States, is declared to be and is made punishable as for piracy. And you will announce the readiness of the American Government, should it suit the views of His Majesty, the King of the Netherlands, to enter upon a negotiation, for the purpose of carrying into effect the object of the resolution of the House of Representatives—namely, the denunciation of the African slave trade as piracy, by the law of nations.

I am, with great respect, sir, yours, &c.

JOHN QUINCY ADAMS.

ALEXANDER H. EVERETT, Esq.,
Chargé d'Affaires U. S. to the Netherlands.

Extracts of a letter (*No.* 6) *from Mr. Adams to General Dearborn, Envoy Extraordinary and Minister Plenipotentiary of the United States, at Lisbon, dated*

DEPARTMENT OF STATE,
Washington, Aug. 14, 1823.

"At the close of the last session of Congress, a resolution was adopted, almost unanimously, by the House of Representatives, 'That the President of the United States be requested to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.'

"A negotiation for concerting measures of co-operation to effect the suppression of the African slave trade had already, for several years, been pending with Great Britain, for which reason a special instruction has been transmitted to Mr. Rush, together with a full power, and a draught of a convention to be proposed, in substance, to the British Government, and which he is authorized to conclude.

"Should this proposal meet the assent of the British Government, a necessary preliminary to the conclusion of the convention will be the passage of an act of Parliament, declaring the crime of African slave trading, when committed by British subjects, piracy. An act of Congress to that effect, as relates to citizens of the United States, has been in force, as you are aware, these three years. When the crime shall have been constituted piracy by the statute law of both countries, each with reference to its own citizens or subjects, the principle offered by the projected convention is, that the armed vessels of each, specially empowered and instructed to that end, shall be authorized to capture slave-trading vessels assuming the flag of the other, and to deliver over the captured vessels to the public cruisers, or to the tribunals of their own country, for trial. This plan is offered as a substitute for that which was offered to us by Great Britain, which was predicated on the treaties already concluded between that Power and Spain, Portugal, and the Netherlands. The leading principle of those treaties was the mutual concession of the right of maritime search, in time of peace, to the armed vessels of both, cruising for slave traders, and a mixed court of commissioners and arbitrators, sitting in colonial possessions of the parties, for the trial of the delinquents. To this system the United States have steadily declined to accede, for two reasons: One, because they had an invincible repugnance to subject their merchant vessels to the maritime search of foreign officers, in time of peace: and the other, because they could not subject their citizens to the jurisdiction of foreign tribunals, upon trials for offences against their laws.

"At the conferences of Verona, the British Government appears to have proposed, that the African slave trade should be declared piracy by the law of nations. This is the same proposition recommended by the resolution of the House of Representatives of the United States. The ultimate object of the United States and of Great Britain, therefore, is the same.

"The negotiations suggested by the resolution of the House, must depend, materially, for their character and progress, with reference to other Powers, upon the event of that which is thus pending with Great Britain. The instructions to the Ministers of the United States in other countries have, therefore, been only of a general character.

"Portugal is the only maritime Power of Europe which has not yet declared the African slave trade, without exception, unlawful. Her own internal situation has, perhaps, recently tended to diminish the influence of those interests, which have heretofore prevailed to delay and postpone her acquiescence in the principle of total proscription upon that trade. It is hoped that she will not much longer resist the predominating spirit of the age, calling so loudly upon the rulers of mankind effectually to put down the crying sin of that abominable traffic.

"In communicating to the Portuguese Government copies of the resolution of the House of Representatives, and of the laws of the United States prohibiting the slave trade, you will state, that the Government of the United States will be ready to enter, at any time, when it may suit the views of that of Portugal, upon the negotiation contemplated by the resolution."

Mr. Rush to Mr. Adams, giving him the substance of a conversation with Mr. Canning.

[EXTRACTS.]

LONDON, *October* 9, 1823.

"This latter subject, (the slave trade,) he said, it was his wish to take in hand with me himself, and thus keep it detached from the general negotiations."

"Whilst we were speaking of the mode of taking up the question of the slave trade, I did not scruple to intimate, even at this early stage, that, unless this Government was prepared to say, that it would cause a statute to be passed, declaring the trade by its own subjects to be piracy, and rendering it punishable as such, in manner as had been done by the United States, that I was not authorized to make any proposals upon the subject; that this, in fact, was the only basis upon which it fell within the intentions of my Government to attempt any arrangement of the subject whatever. I was happy to hear Mr. Canning say, in reply, that he did not, speaking from his first impressions, see any insurmountable obstacle, upon this score, to our proceeding with the subject."

Extract from No. 11 *of Mr. Sheldon, Chargé d'Affaires of the United States at Paris, to the Secretary of State.*

PARIS, *October* 16, 1823.

"In the same conference, I also informed Mr. Chateaubriand of the resolution of the House of Representatives respecting the slave trade, which made the subject of your despatch, No. 2, of the 14th of August. He repeated, in substance, what he had before stated to Mr. Gallatin, in conversation, viz: that the French Government were sincerely desirous of putting an end to that trade, and were taking all the measures in their power to effect it, by pursuing offenders, and executing rigidly the laws now in existence; but that the public opinion, generally, in France, and more especially in the Chambers, was against it, owing, not only to the prevalence of the colonial interest in the question, but, particularly, to the circumstances under which their stipulations with England upon this subject had been made; so tender were they upon this point, that the proposition of adding new rigors to their laws, would be taken as a new concession to that Power, and, instead of being adopted in the Chambers, would be more likely to provoke an attempt to repeal the prohibitory measures already established, in order to rid themselves, in that way, of one of the charges imposed upon them by the foreign occupation; that time was necessary to wear away these impressions; and, until that should have arrived, no Minister in France could be strong enough, upon this point, to do more than to watch over the execution of the laws already in force, which they were now disposed to do, fully and faithfully, and which, if not entirely efficient, at least made the prosecution of the trade, under the French flag, hazardous and difficult.

At present, therefore, it is not probable that France will consent to the proposal of the President, to enter upon the negotiations contemplated by the resolution of the House of Representatives. I have, however, made the proposal, in obedience to your directions; and have the honor to enclose a copy of the letter to Viscount de Chateaubriand, in which I have communicated to him that resolution."

Extracts from No. 14 *of Mr. Sheldon, Chargé d'Affaires, to the Secretary of State, dated*

PARIS, *November* 5, 1823.

"I have received answers from Viscount de Chateaubriand, on the subject of the new and more effective measures proposed against the slave trade."

"On the subject of the slave trade, the answer manifests a disposition to adopt such new provisions as may be found necessary, for its more effectual suppression; and this disposition really exists; but, after what Mr. de Chateaubriand had stated in conversation, and which I have already communicated, these new and more rigorous legislative provisions can only be introduced gradually, and some time will be required for effecting that purpose."

Mr. Sheldon to the Viscount de Chateaubriand.

Paris, *October* 15, 1823.

Sir: The Minister of the United States to this Court had, some time before he left Paris, transmitted to your Excellency copies of the laws successively adopted by the United States for the suppression of the slave trade. This communication was intended for the special purpose of making the French Government acquainted with the fact, that, so far as the United States were concerned, their legislation upon this subject had been ineffectual; that their laws had been violated, and the trade had continued, until they had denounced against it the highest punishment that a human tribunal can inflict. Since it has been declared to be piracy, and punishable with death, the American flag has no longer been soiled with it.

At the last session of Congress, that body, desirous that the co-operation of the other maritime Powers might be obtained in measures which we had found to be so effectual, formally requested the President to enter upon, and prosecute, negotiations with those Powers, to that end. I have the honor to enclose a copy of the resolution adopted, with great unanimity, by the House of Representatives, upon that subject; and I am directed to declare, that the President is ready to enter upon the negotiation contemplated by it with France, whenever it may be agreeable to her. Instructions to the same effect have been given to all the Ministers of the United States accredited to foreign Powers, and the favorable results which are hoped from them will be made known, at the earliest opportunities, to the French Government. It may be expected that a co-operation in measures equally effectual with those heretofore brought forward for the suppression of this trade, and not open to similar objections, will be generally and readily afforded.

I beg to offer to your Excellency the renewed assurances, &c.

D. SHELDON.

[TRANSLATION.]

Viscount de Chateaubriand to Mr. Sheldon.

Paris, *October* 29, 1823.

Sir: You did me the honor of writing me, on the 15th of this month, that the Government of the United States had only attained the effectual suppression of the slave trade by making it piracy, and by rendering those guilty of it liable to the same punishment. You have, at the same time, informed me, that that Government was disposed to co-operate with the other Powers, by negotiations, to attain, by the same means, the complete and general abolition of this traffic.

The communication which you did me the honor to address to me, cannot but deserve great consideration. I have requested the Keeper of the Seals to review, with great care, the laws and ordinances which have been made in France for obtaining the abolition of the trade; to certify, after this examination, in what points they may be insufficient, and to propose, for completing them, in case of need, all the new dispositions which might accord with the independence and rights of the flag, and which might appear most proper to assure, in France, in an efficacious manner, the absolute cessation of a traffic so contrary to the rights of humanity.

Accept, sir, the assurances, &c.

CHATEAUBRIAND.

Extract of a letter from Mr. Everett, Chargé d'Affaires, to the Secretary of State, dated

"Brussels, *November* 20, 1823.

"I have received from the Baron de Nagell a preliminary answer to my note of the 7th, upon the slave trade, of which I have the honor to enclose a copy."

[TRANSLATION.]

Mr. Everett to Baron de Nagell.

Brussels, *November* 7, 1823.

Sir: I have the honor to subjoin, to your Excellency, by order of my Government, a printed copy of the laws of the United States, which forbid their citizens to pursue the slave trade; also, a copy of the resolution of the House of Representatives, of the 8th of February, 1823, by which the President is requested to concert, with the maritime Powers of Europe, and of America, the measures which may be most proper to effect the abolition of that trade, and to make it, by the universal consent of the civilized world, equivalent to the crime of piracy.

Your Excellency will remark, that it is already viewed in this light by the laws of the United States. The act of 15th March, 1820, declares, (section 4 and 5,) that the persons subject to the jurisdiction of the Republic, who shall be engaged in the slave trade, either by seizing these unfortunates, by force or fraud, and carrying them on board their vessels, or by keeping them there, and making them an object of traffic, shall be deemed pirates, and punished with death.

In fact, this pretended commerce bears all the characteristics of piracy: that is, of felony committed on the sea. And, as it has been denounced as a crime by the greater part of civilized nations, it ought to fall into the particular class of crimes to which it naturally belongs, and undergo the penalties which the usage and the law of nations impose upon them. An unanimous declaration of the Christian Powers, to this effect, would inevitably produce the entire cessation of the trade. The public ships of each Power would then be authorized, by the law of nations, to cruise against the persons who might be engaged in it, without regard to the color of the flag with which they might pretend to be sheltered. Whilst, if the trade is only regarded, in each country, as an offence against the municipal laws, it would be lawful for any one nation alone, by permitting it, to afford an asylum under its flag to the pirates of all the others.

The known character of the King, and the zeal which His Majesty has already displayed in his efforts to bring about the abolition of this infamous commerce, furnishes a presumption to the Government of the United States, that that of the Low Countries will voluntarily co-operate with it to that effect. In communicating to your Excellency the subjoined papers, and in praying that you will be pleased to lay them before the King, I am charged to announce to him the desire of the President of the United States to obtain the co-operation of His Majesty in this work of justice, and to establish a concert between the two Powers, in the measures which they may pursue, in common, to render the slave trade equivalent to the crime of piracy, by the universal consent of the Christian world.

I eagerly embrace this occasion to renew to your Excellency the homage of my most distinguished consideration.

A. H. EVERETT.

[TRANSLATION.]

Baron de Nagell to Mr. Everett.

BRUSSELS, *Nov.* 13, 1823.

SIR: I have the honor to acknowledge the receipt of your note of the 7th of this month, containing some propositions in regard to the slave trade, and to inform you that, without delay, I laid this paper, and its enclosures, before the King.

I shall hasten to impart to you the determination of His Majesty, as soon as I shall have been informed of it; and, in the meantime, I seize this opportunity to renew the assurance of my distinguished consideration.

A. W. C. DE NAGELL.

INTERCOURSE WITH PORTUGAL.

[Communicated to the Senate, May 10, 1824.]

To the Senate of the United States:

I communicate herewith, to the Senate, a report from the Secretary of State, with the documents relating to the present state of the commercial intercourse between the United States and Portugal, requested by the resolution of the Senate of the 13th ultimo.

JAMES MONROE.

WASHINGTON, *May* 7, 1824.

DEPARTMENT OF STATE,
Washington, May 6, 1824.

The Secretary of State, to whom was referred the resolution of the Senate of the United States of the 13th of April last, requesting that the President would cause to be communicated to the Senate, so much of the correspondence of the Minister of the United States, at the Court of Lisbon with the Government of Portugal, as has reference to the commercial relations between the two countries, together with such other information, connected therewith, as might be in possession of the Government; and which, in his opinion, might, without injury to the public interests, be made known, has the honor of submitting to the President the papers required by the said resolution.

JOHN QUINCY ADAMS.

LIST OF DOCUMENTS.

Mr. Adams to General Dearborn, 25th June, 1822.
Mr. Correa de Serra to Mr. Adams, 4th June, 1820. Copy.
Mr. Correa de Serra to Mr. Adams, 8th June, 1820.
Mr. Correa de Serra to Mr. Adams, 16th July, 1820.
Mr. Adams to Mr. Correa de Serra, 20th July, 1820.
Mr. Correa de Serra to the Secretary of State, 26th August, 1820.
Mr. Adams to Mr. Correa de Serra, 30th Sept., 1820.
Mr. Correa de Serra to Mr. Adams, 9th Nov., 1820.
Mr. Amado Grehon to Mr. Adams, 4th Dec., 1820, with enclosures. Translations.
Mr. Amado Grehon to Mr. Adams, 14th Dec., 1820, with an enclosure. Translation.
Mr. Amado Grehon to Mr. Adams, 1st April, 1822. Translation.
Mr. Adams to Mr. Grehon, 30th April, 1822. Copy.
Mr. Grehon to Mr. Adams, 3d May, 1822. Translation.
Mr. Grehon to Mr. Adams, 5th May, 1822.
General Dearborn to Mr. Adams, 28th August, 1822. Extract.
General Dearborn to Mr. Adams, 10th October, 1822.
Project of Convention. Copy.
General Dearborn to Mr. Adams, 13th Dec., 1822. Extract.
General Dearborn to Mr. Adams, 30th January, 1823.
General Dearborn to Mr. Adams, 20th Feb., 1823.
General Dearborn to Mr. Adams, 3d March, 1823.
General Dearborn to Mr. Adams, 24th March, 1823.
General Dearborn to Mr. Adams, 4th June, 1823.
General Dearborn to Mr. Adams, 29th June, 1823.
General Dearborn to Count de Lapa, 8th March, 1823.
Count de Lapa to General Dearborn, 12th March, 1823.
General Dearborn to Mr. Pinheiro, 18th April, 1823.
Mr. Penheiro to General Dearborn, 2d May, 1823. Translation.
General Dearborn to Mr. Adams, 15th July, 1823. Extract.
General Dearborn to the Marquis Palmella, 15th July, 1823.
Marquis de Palmella to General Dearborn, 10th July, 1823. Translation.
General Dearborn to Mr. Adams, 21st July, 1823. Extract.
General Dearborn to Mr. Adams, 25th October, 1823.
General Dearborn to Mr. Adams, 7th November, 1823.
General Dearborn to Marquis Palmella, 7th November, 1823. Copy.
General Dearborn to Mr. Adams, 27th Nov., 1823. Extract.
Project of a Treaty.
General Dearborn to Mr. Adams, 26th January, 1824. Extract.
General Dearborn to Mr. Adams, 4th March, 1823. Extract.

Mr. Adams to General Dearborn.

General H. Dearborn, appointed Envoy Extraordinary and Minister Plenipotentiary to the Court of Portugal, at Lisbon.

Department of State,
Washington, June 25, 1822.

Sir: The political and commercial relations between the United States and Portugal, have always been of an interesting character. By the revolution in the Government of that country, recently consummated, and by the return of the King, and part of his Court and family, to Europe, they have been, and may be further affected in a manner to require the agency of a person, not only generally conversant with the intercourse which has heretofore subsisted between the two countries, but by long experience in the public affairs of this Union, and a familiar acquaintance with its interests, qualified to represent them at a time, and under circumstances in many respects critical. Fully acquainted with your long and faithful services to this Union in some of its highest trusts, the President has been induced, by these considerations, to invite your co-operation again in the public service, and has learnt, with great satisfaction, your acceptance of the appointment of Envoy Extraordinary and Minister Plenipotentiary to Portugal.

Independently of the changes in the diplomatic relations of the two countries, which have resulted from the removal of the King from Rio de Janeiro to Lisbon, other accidental circumstances have concurred to cause some irregularity and disorder in them. In the Spring of the year 1819, Mr. John Graham was appointed Minister Plenipotentiary of the United States to the Court of Brazil, to succeed Mr. Thomas Sumpter, junior, who had resided there in that capacity almost from the time of the transfer of the Portuguese Government thither. Mr. Graham, within little more than a year from the time of his departure on that mission from the United States, was compelled to return home, and barely lived to reach this country.

About the same time, the Chevalier Correa de Serra, who had for several years resided as the Minister Plenipotentiary of Portugal in this country, was recalled, and left the United States. A resolution of the Senate of the United States in March, 1821, recommended to the President the appointment of a Minister to the Court of Brazil, but the return of the King of Portugal to Europe very shortly afterwards, rendered the compliance with this resolution unavailing.

The departure of that Prince from Rio de Janeiro had been preceded by various movements of a revolutionary character, as well there, as in Portugal. He had, immediately before embarking, appointed as his Minister to the United States, the person who, since his arrival in Europe, has acted as his Secretary of State for Foreign Affairs. And it appears that, since the revolution there, which has invested the Cortes with a principal portion of the sovereign authority, the policy of maintaining Ministers of the Plenipotentiary rank from that country has been suspended. A Chargé d'Affaires has been appointed to repair to Washington, but has not yet arrived. In the mean time, that office has been discharged by the Chevalier Amado Grehon, who had been Secretary of Legation to Mr. Correa, and recently a Mr. Dacosta has been here, and announced himself as attached to the Legation, and to exercise the powers of Consul General.

The usual diplomatic intercourse between the United States and Portugal has thus been for the last three years in a great measure suspended: Nor is it probable that the mission of the United States now instituted, will be of long duration. There are objects, political and commercial, which require its most serious attention, and which it is hoped may be adjusted satisfactorily to both countries, by your intervention.

After the invasion by the Brazilian Portuguese Government of Montevideo, and the eastern shore of the river La Plata, a revolutionary Government, under the name of the Oriental Republic of La Plata, and subject to the authority of a military chief, named Artigas, for several years maintained a defensive war, at once against them, and against the rival Revolutionary Republic, styled the United Provinces of La Plata. The latter, the seat of Government of which was at Buenos Ayres, never came to a state of declared war with Portugal, but the Republic of Artigas did, and that commander issued commissions for privateers and letters of marque, against the Portuguese, under which, the commerce of that nation was, for three or four years, much annoyed. Of the captures made by these privateers, several were brought into the ports of the United States, and frequent complaints were received from Mr. Correa, that some of the privateers were fitted out within the United States, and partly manned by their citizens. To these complaints every attention, compatible with the rights of the citizens of the United States, and with the laws of nations, was paid by this Government. The laws for securing the faithful performance of the duties of neutrality were revived and enforced. Decrees of restitution were pronounced by the judicial tribunals in all cases of Portuguese captured vessels, brought within the jurisdiction of the United States: And all the measures, within the competency of the Executive, were taken by that department of the Government for repressing the fitting out of privateers from our ports, and the enlisting of our citizens in them.

These measures, however, do not appear to have been altogether satisfactory to the Portuguese Government, doubtless, because they were not sufficiently understood by them. Shortly before the Chevalier Correa de Serra left the United States, he addressed to this Department several notes, copies of which, as well as of two subsequent notes from Mr. Amado, are herewith enclosed, containing lists of Portuguese vessels captured by privateers, alleged to have been fitted out in the United States, or partly officered and manned by citizens of this country. To these lists were added claims of indemnity to a large amount upon the United States, for the value of these vessels and cargoes; and with them was connected a demand for the appointment of a joint commission, to be appointed by the two Governments, to determine and assess the amount of damages to be paid by the United States for these captures. As there was no precedent for the appointment of such a commission under such circumstances, and as not a single case of capture had been alleged, for which the United States were justly responsible, this proposal was, of course, denied; and nothing further was heard upon the subject, until the 1st of April last, when a note was received from the present Chargé d'Affaires of Portugal, leading to a correspondence, copies of which are now furnished you.

Among the first and most important objects of your mission, will be the charge of reviewing the whole course of this correspondence, from the time when the proposition for the appointment of Commissioners was made by the Chevalier Correa de Serra. The President wishes that this service should be performed in the most conciliatory manner, and with all possible regard to the feelings of the Portuguese Government.

It will, however, not be necessary that you should commence the correspondence with them. The menace of retaliation by commercial regulations favoring the trade of other nations, it can scarcely be supposed was intended to be carried into effect; for it would not be less impolitic than unjust; and with the experience which they have of the pernicious consequences of granting favors to one nation to the detriment of others, it is incredible, that, under a Government in which the public interest is felt through the medium of a popular representation, resentments, in themselves so unfounded, should be indulged, by measures so injudicious and self-annoying.

You will, nevertheless, attentively watch, and forthwith report, any measure which may be adopted, or even specifically contemplated, of that character; and you will observe the disposition and temper of understanding between the Portuguese Government, as now constituted, and those of the other Powers of Europe. It is believed that they have no Ministers at present residing in any part of Europe, nor Ministers from any European Government residing with them. Some of the Allies have not yet recognised their revolutionary movement, and all have manifested, in some form, their dissatisfaction with it. These prejudices, it is probable, will gradually subside, and the usual intercourse between them and the rest of Europe, will be restored. While its interruption continues, it is scarcely to be apprehended that they will adopt measures of rigor and injustice towards the nation which is the first to sympathize with them.

With regard to the proposal contained in the letter from Mr. Amado, of the 1st of April, of a treaty of commerce, in which special advantages shall be granted to the United States, even if it were offered by itself, and separately from the inadmissible condition connected with it, we should not consider it as desirable, or compatible with the true policy of either nation. We have never sought exclusive advantages in our treaties with any foreign nation. The policy of the United States, on the contrary, has invariably been to form its commercial institutions and engagements on the broadest and most liberal principles of reciprocity. We are neither solicitous, nor unwilling to treat with Portugal upon subjects of commerce; but if we do treat it must be upon those principles, and in conformity with them. The Convention of 3d July, 1815, with Great Britain, so far as it goes, exhibits the system upon which we are desirous of settling our commercial arrangements with other nations, and the only one upon which we should be inclined to treat with Portugal.

We have seen in the public journals, accounts purporting some dissatisfaction in the Island of Madeira, at the rates of duties levied in the United States upon its wines. They are, however, moderate when considered in reference to the comparative prices of the article; and still more so, when compared with the duties levied upon the same article in Great Britain. There is, indeed, no other country, except Great Britain, which imports and consumes the wines of Madeira, in quantities comparable to those taken by the United States.

The connexion between the kingdom of Portugal and that of Brazil, has already been greatly affected by revolutionary movements in both countries. It can scarcely fail, within no distant period, to be more so. It is not conceivable that Brazil should ever again be subjected to the colonial state, nor is it likely long to submit to any direct control from a Government so distant from it. Information of the proceedings of the Cortes on this subject, especially so far as they may affect our commercial intercourse with Brazil, will be desirable, whenever, and with as much accuracy as you can obtain it.

I am, with great respect,

JOHN QUINCY ADAMS.

ENCLOSURES.

Mr. Correa de Serra	to the Sec'ry of State,	June 4, 1820.
Do	do	June 8, 1820.
Do	do	July 16, 1820.
Do	do	Aug. 26, 1820.
Do	do	Nov. 9, 1820.
Mr. Amada to	do	Dec. 4, 1820.
Do	do	Dec. 14, 1820.
Do	do	April 1, 1820.
Do	do	May 3, 1820.
Do	do	May 5, 1820.
Secretary of State	to Mr. Correa de Serra,	July 20, 1820.
Do	do	Sept. 30, 1820.
Mr. Amado	to the Secretary of State,	April 30, 1822.

Mr. Joseph Correa de Serra to the Secretary of State.

PHILADELPHIA, *June* 4, 1820.

SIR: Mr. Joachim Barozzo Pereia, appointed by my Sovereign Consul General of Portugal, in these United States, is arrived in Philadelphia, and has shown me his commission, accompanied by the official communication from the Minister of Foreign Affairs. I have, consequently, the honor of presenting him to this Government in that capacity, and request the exequatur of the President to his commission. I present, also, Mr. Henry Hutton, as Vice Consul of Portugal, in the port of New Orleans, and all the others of the United States in the Gulf of Mexico, and request the necessary exequatur.

Permit me, sir, to profit of this occasion, to offer my thanks to this Government for the law that prohibits the entrance of privateers in the most important ports of the Union, and for the other that declares piracy the landing and committing outrages ashore in foreign lands. I acknowledge the salutary influence of the Executive in obtaining these ameliorations. The courts of justice also seem to take a more adequate view of the practices about which I have been forced to importunate this Government by my reiterated complaints. At least, henceforward, those who engage in such pursuits will have in prospect a lesser chance of impunity.

Undoubtedly, the aforesaid provisions will diminish the evil, but something remains still to be done to suppress it entirely. In the full persuasion of the sincere wishes of this Government to put a final stop to practices so contrary to the friendly intercourse between our two nations, I propose to have the honor of submitting to your consideration my views on this subject, in the occasion of personally paying my respects to you, and taking my leave previous to my visit to the Brazil.

I beg the acceptance of the renewed assurances of the high consideration and respect, with which I am, &c.

J. CORREA DE SERRA.

Mr. Joseph Correa de Serra to the Secretary of State.

PHILADELPHIA, *June* 8, 1820.

SIR: I think it my duty to represent to this Government that the Portuguese ship Montalagre was brought to Baltimore twenty-two months ago, a prize to a so-called Artigan privateer, and has been all this time the subject of litigation with the Artigan captors, American citizens. Past things are not intended to be in any way the object of this communication, but merely the prevention of future evil. In the first of this month this ship was sold by judicial authority in Baltimore, under the hammer, to Captain Chase, a notorious privateersman, standing under an indictment of piracy. It is to be immediately fitted as a privateer, (and a formidable one it will prove, by its size and strength, which are those of a good frigate,) to cruise against the Portuguese Indiamen, and the command of it to be given, as it is assured, to the notorious Captain Taylor.

I have not the least doubt that the Supreme Executive of this nation has both the power and the will of putting a stop to this hostile armament, particularly when, as in this case, he has timely information, which will be successively put under his eyes, at every stage of this inimical attempt on the Portuguese commerce.

I beg you to accept the renewed assurances of my high consideration and respect.

J. CORREA DE SERRA.

Mr. Joseph Correa de Serra to the Secretary of State.

WILMINGTON, *July* 16, 1820.

SIR: I am ordered by my Sovereign to lay before this Government the names and value of nineteen Portuguese ships, and their cargoes, taken by private armed ships, fitted in the ports of the Union by citizens of these States. The values have been ascertained by the proper courts of justice, and revised with all care and attention by the Royal Board of Commerce. In proportion as the value of the other ships stolen is in the same manner ascertained, their names, and the amount of losses, will be laid before this Government.

His Majesty, consistently with his friendly and equitable sentiments towards the United States, wishes that this affair be treated with all that candor and conciliating dignified spirit that becomes two Powers who feel mutual esteem, and have a proper sense of their moral integrity. In this spirit I have the honor to propose to this Government to appoint commissioners on their side, with full powers to confer and agree with His Majesty's Ministers in what reason and justice demand. It is not expected that a Government who, on every occasion, has so steadily and nobly protected the just pretensions of its own citizens, like that of the United States, may have the least difficulty in concurring with such candid views of a Sovereign, who feels equally with them what he owes to himself in the protection of his subjects.

The ships are the following: 1. D. Pedro de Alcantara. 2. S. Joao Baptista. 3. D. Miguel Torjàz. 4. Sa. Maria Vencedora. 5. Thalia. 6. S. Joao Protector. 7. Montalegre. 8. Luiza. 9. Logo the Direy. 10. Lord Wellington. 11. Ninfa de Lisboa. 12. General Sampaio. 13. Perola. 14. Pacquette de Porto. 15. Conde de Cavalleiros. 16. Globo. 17. Carlota. 18. Flora. 19. Sra. da Piedade.

The amount of their value which is reclaimed, is four hundred ninety-two thousand nine hundred eighteen milreas, which, at the common and general rate of the milreas in your market, is equal to six hundred sixteen thousand one hundred fifty-eight dollars.

I am proceeding to an excursion in the mountains, at the end of which, I intend having the honor of seeing you in Washington. The reason of my mentioning this is, because a written answer, which you might possibly give to this communication, would naturally miss me.

I beg you, sir, to receive the assurances, &c.

J. CORREA DE SERRA.

Mr. Adams to the Chevalier Joseph Correa de Serra.

DEPARTMENT OF STATE,
Washington, July 20, 1820.

SIR: I have had the honor of receiving your notes of the 4th and 8th ultimo.

The exequaturs for Mr. Pereira, as Consul General of Portugal, and of Mr. Hutton, as Consul at New Orleans, and the other ports of the United States in the Gulf of Mexico, have been made, and transmitted to you.

The acts of Congress to which you refer, in the first of these notes, may be justly considered as affording the most decisive proofs of the determination both of the Legislature and Executive, to discharge, with the utmost fidelity, all their duties towards friendly nations, and particularly towards that whose representative you are. In remarking that the section of the statute for the further punishment of piracy, which brings the landing and committing acts of robbery on a foreign shore within the definition and penalties of that crime, was obviously suggested by a case of that description which had occurred in a Portuguese island, I take satisfaction in the assurance that your Government will perceive, in that provision, a proof of the earnestness with which the United States cherish the most friendly dispositions towards your country.

It will give me pleasure to receive any further communication, verbal or written, from you, which may contribute towards the same effect; and I am authorized to assure you, that, upon the information contained in your note of the 8th instant, such measures have been, and will continue to be taken, under the direction of the President, as are within the competency of the Executive, and may serve to maintain inviolate the laws of the United States, applicable to the case.

I avail myself of this opportunity of renewing to you the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. Correa de Serra to the Secretary of State.

WASHINGTON, *August* 26, 1820.

SIR: In consequence of the wish you expressed in our last interview, I have the honor of transmitting to you the names of the officers of the Navy of the United States, who, in October, 1818, embarked and served on board the armed schooner *General Artigas*, Captain Ford, under the so called Artigan flag, and cruised for many months on the coast of Brazil, capturing several Portuguese ships, amongst others, the *Sociedade Feliz*, which was brought to Baltimore. Their names are, Lieutenants Peleg and Dunham, of Rhode Island, Midshipman Augustus Swartwout, of New York, Benjamin S. Grimke, of South Carolina.

The griefs against the particular judges, who I believe have disgraced the commission they have from the United States, shall be laid before you, as soon as I have returned to Philadelphia, and looked into my papers.

I am perfectly sure that a candid and friendly examination of this unpleasant business cannot fail of bringing a mutual accord, such as both our Governments wish; and therefore, according to what I asked in my notes from Philadelphia, and your offer in that of the 20th of last month, which I have received on my arrival here, I beg of you to fix the day and time most convenient to you, in which I may have the honor of meeting you, in order to put an end, as I hope, to all these causes of discontentment and discord, the work of unprincipled men, and so utterly opposite to the harmony and good understanding, which is equally the intention and the interests of our two Governments to maintain and cultivate.

Accept the renewed assurances of my distinguished respect and consideration.

J. CORREA DE SERRA.

Mr. Adams to the Chevalier Correa de Sorra.

DEPARTMENT OF STATE,
Washington, Sept. 30, 1820.

SIR: The proposal contained in your note of the 16th July last, has been considered by the President of the United States, with all the deliberation due to the friendly relations subsisting between the United States and Portugal, and with the disposition to manifest the undeviating principle of justice by which this Government is animated in its intercourse with all foreign Governments, and particularly with yours. I am directed by him to inform you that the appointment of commissioners, to confer and agree with the Ministers of His Most Faithful Majesty upon the subject to which your letter relates, would not be consistent either with the Constitution of the United States nor with any practice usual among civilized nations.

The judicial power of the United States is, by their Constitution, vested in their Supreme Court, and in tribunals subordinate to the same. The judges of these tribunals are amenable to the country by impeachment; and if any Portuguese subject has suffered wrong by the act of any citizen of the United States, within their jurisdiction, it is before those tribunals that the remedy is to be sought and obtained. For any acts of citizens of the United States, committed out of their jurisdiction and beyond their control, the Government of the United States is not responsible.

To the war in South America, to which Portugal has for several years been a party, the duty and the policy of the United States have been to observe a perfect and impartial neutrality.

The Government of the United States has neither countenanced nor permitted any violation of that neutrality by their citizens. They have, by various and successive acts of legislation, manifested their constant earnestness to fulfil their duties towards all the parties to that war; they have repressed every intended violation of them which has been brought before their courts, and substantiated by testimony conformable to principles recognised by all tribunals of similar jurisdiction.

But I am instructed to request that you would furnish me with all the documents upon which the complaints in your notes of the 16th of July, and 26th of August, are founded, as well relating to the vessels mentioned in the former, as to the naval officers in the service of the United States, and to the judges whom, in the latter, you accuse of having, in your belief, disgraced the commissions which they bear. And I am further commanded to assure you, that if those documents shall be found to contain evidence, upon which any officer, civil or military, of the United States, or any of their citizens, can be called to answer for his conduct, as injurious to any subject of Portugal, every measure shall be taken, to which the Executive is competent, to secure full justice and satisfaction to your sovereign and his nation.

I pray you to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. Joseph Correa de Serra to the Secretary of State.

New York, *November* 9, 1820.

Sir: I have received, in due time, your official letter of the 30th September last, and though I found that there was much to reply on my side, I resolved, after mature consideration, to refer it to His Majesty's Ministers of State, who, no doubt, will give a convenient answer. Being now on the point of leaving this country, I thought it proper to inform you of this step, both out of regard to this Government, taking in this manner a respectful notice of your communication, and in order that, out of my silence, no belief may arise of any tacit acquiescence in the reasons that you exposed in it.

Accept, sir, the renewed assurances of my high consideration and respect.

J. CORREA DE SERRA.

[TRANSLATION.]

Chevalier Amado Grehon to the Secretary of State.

Philadelphia, *December* 4, 1820.

Sir: It falls to my duty to present to the Government of the United States the enclosed abstract of a new case of piracy, which I have lately received from my Court; and to request of you to subjoin it (that it may appear) to the list of others which has been presented to this Government by the Chevalier Correa, Minister Plenipotentiary of His Most Faithful Majesty.

I embrace this occasion to have the honor of testifying to you, sir, the sentiments of esteem and of respect, with which I am, &c.

J. AMADO GREHON.

Hon. J. Q. Adams, *Sec'ry of State.*

[TRANSLATION.]

Chevalier Amado Grehon to the Secretary of State.

Philadelphia, *December* 14, 1820.

Sir: I have the honor of again transmitting to you an authentic copy of twelve claims, requesting you to add them to the list of others, which the Chevalier Correa de Serra, Minister Plenipotentiary of His Most Faithful Majesty, presented to your Government.

I expect the honor of your answer to this note, and also, to the former which I addressed to you, on the 4th instant, that I may be enabled to give an account to my Court.

I am, sir, &c.

JOSEPH AMADO GREHON.

Hon. J. Q. Adams, *Sec'ry of State.*

[TRANSLATION.]

Table of the general values claimed on twelve joint claims, from No. 52 *to* 63, (*which are all that, from the* 14*th of December*, 1819, *to the present time, have been legalized by the respective claimants,*) *with a classification of the ships which have been taken and robbed by pirates, and extracted from the particular tables of each ship, as follows, from* F 2 *to* F 4.

	Names of Ships.	Names of Captains.	Port of departure and destination.	Value of Ships.	Value of Freights.	Value of Goods.	Agio of Paper.	Premium of Sea risk.	Total Claim.	Interest.
2	Sta. Maria Vencedora	Jose Joaquim de Lima	Pernambuca to Lisbon	*r*	*r*	6,607*r*552	308*r*690	136*r*691	7,053*r*233	*r*
2	Luzitania Filiz -	John Jos. de Fonseca	In the Island Gratioso	4,000*r*000	*r*	15,870*r*000	*r*	*r*	19,870*r*000	2,959*r*405
2	D. Miguel Forjaz -	Miguel Theotonio	From Rio to Lisbon	17,977*r*000	6,026*r*530	4,000*r*000	*r*	1,200*r*360	32,164*r*072	*r*
3	Nymph of Lisbon -	Augustine dos Santos	From Lisbon to the Para	*r*	*r*	1,755*r*891	*r*	-	1,755*r*891	-
3	Lord Wellington -	Alex. Jos. Rodriguez	Do. do.	-	-	3,977*r*775	-	-	3,977*r*775	-
3	Monte Alegre -	Joaq. Jos. Gonsalvez	From Bahia to Lisbon	-	-	4,817*r*230	490*r*990	-	5,308*r*220	-
4	Raynhados Mares -	Joaq. de Silva Lima	Do. do.	-	-	860*r*050	87*r*653	-	947*r*703	-
4	Luza - - -	Jno. Borges Pamplona	Lisbon to Maranham	-	-	2,885*r*525	-	-	2,885*r*525	-
4	Globo - - -	Th. de Va. Nova Ribro	Bombay to Lisbon	-	-	5,641*r*253	-	-	5,641*r*253	-
4	Logo the direi - -	Antonio Jose da Silva	Lisbon to Maranham	-	-	1,168*r*727	-	-	1,168*r*447	-
				21,977*r*777	6,026*r*530	47,583*r*723	887*r*333	1,337*r*351	80,772*r*119	2,959*r*405

Office of the General Accountant of the Royal Junta of Commerce, Agriculture, Manufactures, and Navigation, 27th July, 1820.

FRANCISCO MORATO ROMA, *Accountant General.*

Joseph Amado Grehon.

[TRANSLATION.]

Abstract from the Procès verbal, &c.

PHILADELPHIA, *December* 4, 1820.

On the 5th of March, 1820, to the north of Cape St. Augustine, latitude 7½ degrees south, the brigantine packet of His Most Faithful Majesty, named "The Infant D. Sebastiano," was attacked and pillaged by a brigantine pirate of American construction, with an "S" instead of a figure-head; armed with sixteen 24 pounders, and a crew of about a hundred men; the captain of which, who has lost a hand, the other officers, and three-fourths of the crew, are Americans, according to the formal evidence which has been given before the Intendant General of the Police of the Court and Kingdom of Brazil, by the officers, crew, and passengers of the packet brig, who, after having been outraged and pillaged, have returned, in the same brig, to Rio de Janeiro.

JOSEPH AMADO GREHON,
Chargé des Affaires of H. M. F. Majesty.

[TRANSLATION.]

Mr. Grehon to the Secretary of State.

WASHINGTON, *April* 1, 1822.

SIR: I am about to repeat, in writing, all that I had the honor to communicate to you in the interview of Saturday last, as well in compliance with your request, as on account of its being in conformity with the orders of my Government, of which Verissimo Antonio Ferreira da Costa, attached to the legation, was the bearer; and by which I am empowered to notify and show to the Government of the United States, and to the nation, what follows:

That the Portuguese Government has resolved to recognise the United States as its first ally, by a treaty which it is desirous of concluding, forthwith, for the purpose of giving every possible impulse to reciprocal commerce, and to the industry of the two nations, and to guard the national independence, which constitutes the most sacred of all rights, against the direct or indirect attacks of Powers unfriendly to the Constitution freely chosen by the people: but, as a fundamental principle of the said treaty, there should be a preliminary condition that the Government of the United States accede to the proposition made by the Chevalier Correa da Serra, Ex-Minister Plenipotentiary of Portugal, in his note of the 16th July, 1820, of having recourse to commissaries chosen by both Governments, for the purpose of arranging the indemnities justly due to Portuguese citizens, for the damages which they have sustained, by reason of piracies, supported by the capital and the means of citizens of the United States; an essential condition, which, in this way, repairing the past, secures also the future.

That the Portuguese States, in the four quarters of the world, can offer to the United States the most important advantages of commerce; the more so, because the relation which the Portuguese Government is disposed to establish with that of the United States, are founded in a perfect union against the common enemies of their industry and of their independence.

But, if all efforts on the part of the Portuguese Government should be fruitless towards obtaining from that of the United States a just and reasonable indemnity, which England does not hesitate to make in analogous cases of unjust captures, the Portuguese Government is fully determined to resort to the right of reprisals, and to adopt proper measures to indemnify itself for the losses which have been occasioned to their commerce by the acts complained of, as it has been manifestly made to appear, in the face of the world, that unworthy citizens of the United States have been parties in this perfidious practice; and it is very certain that the Portuguese Government has it in its power to exercise reprisals against the United States, by granting to their rival Powers advantages in commerce, in cases in which it is disposed to give the United States the preference, if, acting in good faith, they make indemnity for the past and secure the future.

These are the earnest sentiments and views of the Portuguese Government, which have been communicated to me, with orders to make them known to that of the United States and to the nation. I have, therefore, the honor, sir, to communicate them to you for that purpose; and I shall be happy if the result of this communication, (which I expect from a just and liberal Government, such as is that of the United States,) may be conformable with the sentiments and the desire of the Portugnese Government.

I have the honor to be, &c.

JOSEPH AMADO GREHON,
Chargé des Affaires of Portugal.

The Secretary of State to Mr. Amado Grehon.

DEPARTMENT OF STATE,
Washington, April 30, 1822.

SIR: Your letter of the 1st instant has been submitted to the consideration of the President of the United States, by whom I am directed to assure you of the great satisfaction with which he has received the friendly declaration of the Portuguese Government towards the United States, and the disposition manifested by them to promote the mutual interests and the amicable intercourse between the two countries, by a treaty, founded upon principles favorable to the commercial relations and industry of both. The President desires that you would, in return, make known to your Government the sentiments of friendly reciprocity which animate the Government of the United States towards Portugal, and the earnest wish of the President that the relations of the United States with that nation may continue on terms of the most entire reciprocity. I am, at the same time, directed to state, that the proposition of the Chevalier Correa de Serra, in his note of the 16th of July, 1820, for the appointment of commissioners, chosen by both Governments, to arrange indemnities claimed by Portuguese citizens, for damages stated by them to have been sustained by reason of piracies supported by the capital and means of citizens of the United States, cannot be acceded to. It is a principle well known and well understood, that no nation is responsible to another for the acts of its citizens, committed without its jurisdiction, and out of the reach of its control. Of the numerous piracies which have, within these few years, annoyed the commerce of every maritime nation, a much greater number have been committed by the subjects of other Powers, than by citizens of the United States. The lawful commerce of the United States themselves have suffered by these depredations, perhaps, more than that of Portugal. When brought within the jurisdiction of the United States, the pirates have been punished by their laws, and restitution has been made to its owners, of property captured by them. Should any citizens of the United States, guilty of piracy, be captured by the Portuguese Government, the United States will, in no wise, interfere to screen them from punishment.

The citizens of the United States are amenable, also, to the tribunals of their own country, as the people of Portugal are to theirs, for any wrong done by them to the subjects of other nations. For acts of so aggravated a nature as piracy, the authority of the Government of the United States itself is not competent to withdraw them from the jurisdiction of their natural judges, or to subject them to a trial consisting partly of foreigners and without the intervention of a jury. These principles of protection and security to individual rights, are, doubtless, well understood, and will be duly appreciated in Portugal, under the liberal system of Government now established in her dominions.

The laws and tribunals of the United States are adequate to the punishment of their citizens, who may be concerned in committing unlawful depredations upon foreigners on the high seas, at least to the same extent as the laws and tribunals of other nations. The legislation of the United States upon this subject, was even rendered more severe and effectual for the suppression of such offences, during the residence here of the Chevalier Correa de Serra; and justice, conformably to the established principles of the laws of nations, has always been rendered by the courts of the United States to the Portuguese subjects, whose property, after capture by pirates or privateers, has been brought within the jurisdiction of this nation. It will continue to be so rendered in all cases which may occur hereafter.

Of the advantages to the commerce of the United States, in the four quarters of the world, which it may be in the power of the Portuguese Government to offer, it would be acceptable to receive a more particular specification, than is contained in your letter. The Government of the United States would then be able to judge of their value, and of the consideration with which they may be returned. It is not perfectly understood *who* are meant in your note, by the "common enemies of their industry and their independence," and I am directed to ask of you a precise explanation of that expression. The Government of the United States, while willing, cheerfully, to meet and reciprocate any commercial arrangement with Portugal, propitious to the interests of both nations, will not solicit, and cannot grant, any exclusive favors, to the prejudice of any other Power whatsoever.

This principle, which has long been fundamental to the commercial policy of the United States, furnishes a reply to the latter part of your letter, which, in the case of a non-compliance with proposals, as I have informed you, cannot be accepted, threatens *reprisals* upon the United States, by granting to their rival Powers advantages in commerce, which you allege your Government is disposed to give the United States, on condition of what you call indemnity for the past, and security for the future.

The Government of the United States knows, that there is nothing, and has been nothing, in the relations between them and Portugal, which, by the laws and usages of civilized nations, could justify reprisals of any kind, by the latter against the United States. And, as I have assured you, that they desire no exclusive favors to the detriment of others, so they are fully persuaded, that upon further advisement, your Government will perceive that they cannot grant commercial favors to any other nation, to the detriment of the United States, without injuring their own subjects more than the people of this Union. Such, it is believed, would be the result of any experiment of reprisals, by granting exclusive favors to one nation, with the view to damage another. The party granting exclusive favors, is the party most severely punished.

Far more agreeable will it be to the Government of the United States to reciprocate, as heretofore, with that of Portugal, offices of kindness and good will, and to promote the friendly intercourse between the two nations, by a multiplication of good offices, and of all the sources by which the interests of both may be advanced.

I pray you to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

Chev. Amado Grehon to the Secretary of State.

PHILADELPHIA, *May* 3, 1822.

SIR: I have the honor to inform you that I have just received your letter, which you addressed to me on the 30th of last month.

The explanation which you demand of me, and which I am to give you, according to what I meant by saying: "the common enemies of their industry and of their independence," and which appears to me to be clearly expressed, is this: all nations, in general, who act contrary to the two principles of our industry and of our independence.

I have the honor to be, sir, &c.,

JOSEPH AMADO GREHON,
Chargé des Affaires of Portugal.

Hon. JOHN Q. ADAMS,
Secretary of State of the U. S.

[TRANSLATION.]

Chev. Amado Grehon to the Secretary of State.

PHILADELPHIA, *May* 5, 1822.

SIR: I make it my duty to acquaint you, that, by the packet of the tenth of this month, I shall have the honor to remit to my Government a copy of your note of the 30th of April last, that it may understand, without delay, the sentiments of reciprocal friendship which animates the Government of the United States towards the Government of Portugal, and the great desire of his Excellency, the President, that the relations between the two nations may continue on terms of the most perfect cordiality; and, that I may, at the same time, be able to inform my Government of the principle well known and well understood, as you call it, as well as of other principles which you have developed in your said note; on which, I think that it would be well to say more, and that my Government will give the solution of it, if it judge proper to do so, and also the more particular specification which you desire; as for my part, I have only pointed out the sentiments and the views which now exist in the Portuguese Government, according to the orders which I have received in that regard.

I have the honor to be, sir, &c.,

JOSE AMADO GREHON,
Chargé des Affaires of Portugal.

Hon. JOHN Q. ADAMS,
Secretary of State of the U. S.

Extract of a letter from General Dearborn to the Secretary of State.

LISBON, *August* 28, 1822.

"When the Minister for Foreign Affairs called on me, soon after my arrival in the city, some observations occurred in relation to our late Treaty with France, which the Minister had not seen; and having a newspaper containing a copy of the Treaty, I gave it to him. He then mentioned our Treaty with Great Britain with approbation, observing that that treaty would be his model. Presuming, from his observations, that he did not possess a copy of it, I have had one fairly made out and presented to him. My principal motive for furnishing him with those copies, was, that of giving to the Minister and his Government a fair sample of the general policy and practice of our Government in regard to commercial regulations with foreign nations, and that it might operate as a preparatory step to a negotiation on commercial regulations. I shall consider the answer to my note as acquiescing in the hope expressed in my note, and inform him that I possess full powers for commencing negotiations for forming a treaty, or convention, regulating commerce between the United States and Portugal, and propose a personal interview as a preparatory step."

Extract of a letter from Mr. Dearborn to the Secretary of State, dated

LISBON, *October* 10, 1822.

"On the 3d of September, I had a conference with his Excellency the [Secretary of] State for Foreign Affairs, by his appointment. Mr. Brent accompanied me as an interpreter; and, after some conversation on general topics, the Minister introduced the subject of the conference, and observed that a treaty for regulating the commerce between the two countries was very desirable on the part of Portugal, such as would be mutually advantageous. I then observed, that being empowered by the President of the United States, I was disposed to commence an arrangement on the subject of commerce as early as would be agreeable to him, and would propose our convention with Great Britain as a basis, with such additions as would be mutually advantageous to our countries, respectively, wishing only such conditions as would operate perfect reciprocity and mutual advantage, and that we did not desire any exclusive advantages or privileges; but, considering the great extent of the United States, with her numerous ports and diversity of productions, it would be expected, on the part of the United States, that the whole of the colonies of Portugal should be included in the arrangement, and that, in every respect, we should be entitled to whatever privileges or immunities are, or may be, enjoyed by the most favored nation. The Minister then observed, that he fully approved of the general principles, as stated by me, but intimated some doubts as to what might be proper in relation to the Brazils, under the existing circumstances and condition of that country; and suggested the necessity of leaving it out of the treaty, or to so modify whatever should relate to it, as would provide for any future change of circumstances. I observed that it might not be difficult to form an article that would apply to any change that might occur in that country; with which he appeared to acquiesce. He then inquired whether I was authorized to enter into any other kind of treaty; and, on my answering in the negative, he appeared (as I thought) to be pleased. He then proposed that I should make out a sketch of such a treaty, or convention, as would be satisfactory to my Government, that his Government might take it under consideration. I replied, that as we appeared to entertain similar views on the subject, it would be more desirable, on my part, that he would make out the outline of one that would be satisfactory to his Government. After some general observations, he proposed that we should each make out such a sketch as we, respectively, think proper; and to have another conference for the [purpose] of comparing our respective sketches, to which I readily assented. He then said, that as soon as he could lay the subject before the Council, he would prepare a sketch, and would notify me when we should have another meeting. And here our conference ended.

"I immediately made out the outlines of a convention, or treaty, a copy of which I have the honor of enclosing; and I have waited for an invitation to the proposed interview, but have not yet received any such notice; but knowing how constantly this Government has been occupied, for some time past, with concerns of the highest interest and importance, I am disposed to make all reasonable allowance for the delay of a second conference."

Project of a Convention.

Article 1. There shall be, between the whole of the territories of the United States of America, as now existing, or as they may hereafter exist, and all the territories of His Most Faithful Majesty, in Europe and elsewhere, as existing at this time, or as may hereafter exist, being under their control, respectively, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty, freely and securely, to come with their vessels and cargoes to all such places, ports, and rivers, in any of the territories aforesaid, to which any other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also, to hire and occupy houses and stores, for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their persons and commerce, but subject always to the laws and statutes of the two countries, respectively.

Art. 2. No higher or other duties shall be imposed on the importations into the United States of any articles, the growth, produce, or manufacture of His Most Faithful Majesty's territories, in Europe or elsewhere, and no higher or other duties shall be imposed on the importation into the territories of His Most Faithful Majesty, in Europe or elsewhere, of any articles, the growth, produce, or manufacture of the United States, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles, to the United States, or to His Most Faithful Majesty's territories, in Europe or elsewhere, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce, or manufacture, of the United States, or of His Most Faithful Majesty's territories, in Europe or elsewhere, or to or from the United States, which shall not extend to all other nations.

No higher or other duties or charges shall be imposed, in any of the ports of the United States, on Portuguese vessels, than those payable in the same ports by vessels of the United States, nor in any of the ports within the territories of His Most Faithful Majesty, on vessels of the United States, than shall be payable in the same ports on vessels belonging to the dominions of Portugal, in Europe or elsewhere.

The same duties shall be paid on the importations into the United States of articles, the growth, produce, or manufacture, of the dominions of His Most Faithful Majesty, in Europe or elsewhere, whether such importations shall be in vessels of the United States, or in vessels of Portugal or any of her colonies; and the same duties shall be paid on the importations into any of the ports of Portugal, or her colonies, of any articles, the growth, produce, or manufacture, of the United States, whether such importations shall be in vessels of Portugal or her colonies, or in vessels of the United States.

The same duties shall be paid, and the same bounties allowed, on the importation of any articles, the growth, produce, or manufacture of His Most Faithful Majesty's dominions, in Europe or elsewhere, to the United States, whether such exportations shall be in vessels of the United States, or in vessels of Portugal or her colonies; and the same duties shall be paid, and the same bounties be allowed, on the exportation of any articles, the growth, produce, or manufacture of the United States, to the territories of His Most Faithful Majesty, in Europe or elsewhere, whether such exportations shall be in vessels of the dominions, in Europe or elsewhere, of His Most Faithful Majesty, or in vessels of the United States.

It is further agreed, that in all cases where drawbacks are, or may be allowed upon the re-exportation of any goods, the growth, produce, or manufacture of either country, respectively, the amount of the said drawback shall be the same, whether the said goods shall have been originally imported in a vessel belonging to the dominions of Portugal or her colonies, or a vessel of the United States; but when such re-exportation shall take place, from the United States in a Portuguese vessel, or from the dominions of His Most Faithful Majesty, in Europe or elsewhere, in a vessel of the United States, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing in such case, the amount of the said drawback.

Art. 3. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct towards the laws of the Government to which he is sent, such Consul may either be punished according to law, if the laws will reach the case, or be sent back; the offended Government assigning to the other reasons for the same.

Extracts of a letter from Mr. Dearborn to the Secretary of State, dated

Lisbon, *December* 13, 1822.

"From the apparent intentional delays on the part of this Government, in relation to the proposed commercial regulations between the two countries, combined with the existing state of affairs of this country, I am satisfied that I must expect further delays. The relations respecting Brazil; the completion of the organization of the Government under the new constitution; the refusal of the Queen to subscribe and swear to the constitution as the law directs; and negotiations with Spain, for forming a treaty of alliance, together with the anxiety which generally prevails, in regard to what may be the result of the deliberations of the Congress at Verona, all conspire to afford an apology for the delays above referred to."

"Mr. Correa was appointed by the King to negotiate a treaty with me, of which I was informed by the Secretary of State, on the 20th day of October, but having been elected a member of the Cortes, he declined the appointment, and although the Secretary of State assured me that some other person would be soon appointed, no appointment has yet been made."

Extracts of a letter from General Dearborn to the Secretary of State, dated

LISBON, *January* 30, 1823.

"I embrace the opportunity of adding to my other communication, by informing you, that I have had two meetings with the Count da Lapa, who has been appointed Plenipotentiary on the part of Portugal, for negotiating and completing a commercial treaty with the United States; and having exchanged our full powers, a conversation ensued, in which, the Count expressed sentiments fully according with those heretofore expressed by Mr. Pinheiro, Secretary of State for foreign Affairs, as noticed in the letter I had the honor of writing to you, on the 13th of December, which induces a reasonable hope, that a satisfactory arrangement may be effected; but I am not without some doubts as to its being the real intention of this Government to conclude a treaty immediately, although the Secretary, but a few days since, verbally assured me, that there existed no obstacle in the way of a speedy conclusion of such a convention or treaty as would be mutually satisfactory. It must very soon be ascertained, whether words and actions so fully correspond as would be desirable.

"We shall have another conference within a few days, when I shall be able to ascertain, with more certainty, how our ideas correspond with each other. Having at his desire, furnished him with the basis and outlines of such a treaty, as would be satisfactory to the United States, he will, of course, express his opinion at our next meeting on the basis and outlines by me proposed, by which it may be understood whether we shall be likely to succeed ultimately, or not, in a satisfactory arrangement."

Extract of a letter from General Dearborn to the Secretary of State, dated

LISBON, *February* 20, 1823.

"The Count da Lapa has agreed to the basis I had proposed for the treaty; but, by his instructions, he considers it necessary to divide the treaty into three distinct heads, viz: navigation, commerce, and persons, and he has agreed to furnish me immediately with a sketch of the first head, and soon after, with the second. I have some doubts whether his second part will be acceptable, but I hope that, within a few days, my doubts may be removed. He does not appear to be in any haste, and I have an opportunity for the full exercise of my stock of patience.

Extract of a letter from General Dearborn to the Secretary of State, dated

LISBON, *March* 3, 1823.

"I have not yet heard from the Count da Lapa, since the 10th ultimo, when he agreed to make out the form of the first head of the treaty, and call on me within the course of that week; but, subsequently to our last meeting, a report was made to the Cortes, on the subject of the present existing treaty with England, particularly in relation to the article which stipulates that certain English manufactures should be admitted into Portugal, on paying a duty of fifteen per cent. on their cost. The report concluded by saying that, under existing circumstances, the Portuguese Government have the right to suspend the operation of the article alluded to, until new negotiations should be had on the subject. The report was sanctioned by a vote of the Cortes. I presume that the discussion of this subject, by a committee, and by the Cortes, has occasioned the long delay on the part of the Count da Lapa. By the abovementioned report, it appears, that negotiations have been going on between Portugal and Great Britain, for some time, with a view on the part of the former, of effecting such alterations in certain parts of the existing treaty, as would enable her to enter into such liberal and reciprocal commercial treaties with other nations, as would be acceptable. But it appears, by the said report, that England, as might be expected, is very unwilling to relinquish any of the exclusive advantages she now enjoys, under the present treaty; and I am persuaded, that this Government still finds itself embarrassed by certain stipulations in her treaty of 1810, with Great Britain, and that, to that source, the long delays I have experienced are to be principally attributed. I am satisfied, however, that the Government is very earnestly engaged in endeavoring to effect such arrangements with England, as may be necessary for preparing the way for a liberal and reciprocal treaty with the United States."

Extract of a letter from General Dearborn to the Secretary of State, dated

LISBON, *March* 24, 1823.

"Our negotiation has been suspended for some time, and will not, I presume, be recommenced until the present unfortunate affair shall be decided."

Extract of Despatch, No. 9, from General Dearborn to the Secretary of State, dated

LISBON, *June* 4, 1823.

"Nothing unfavorable to a speedy completion of the proposed commercial treaty has occurred for several months past, and I have waited with a hope that the repeated assurances of the late

Minister might be verified, until a counter revolution has been actually effected, and the King again restored to absolute power. It is very evident that the concluding of any commercial regulation with this Government, such as could be acceptable to the United States, will be procrastinated, so long as this Government shall continue to consider the friendship of Great Britain as essential to its safety. I shall endeavor, as early as possible, to learn the disposition of the King and his Minister, in relation to the renewal of the negotiations, and the probability of a satisfactory result."

Extract of Despatch, No. 10, from General Dearborn to the Secretary of State, dated

LISBON, *June* 29, 1823.

"I have now the honor of transmitting copies of my correspondence with the late Minister and Count de Lapa. I have not had any other correspondence with the present Minister of Foreign Affairs, Count Palmella, than that of receiving a note from him announcing his being the Secretary of State for Foreign Affairs, to whom I should, in future, address any communication I might have occasion to make to his Government, and my answer, together with a ceremonious call upon him, and have no means of ascertaining the present disposition of this Government in relation to commercial arrangements with us, excepting the assurance of the King, which I noticed in my last letter."

Copy of a letter from Mr. Dearborn to the Count de Lapa.

LISBON *March* 8, 1823.

SIR: Being quite at leisure, I take the liberty of giving you an historical sketch of the pending negotiations between the United States and Portugal.

Considering the facts and circumstances set forth in it, combined with the recent report of a committee to the Cortes on the subject of the existing treaty with Great Britain, I cannot avoid being impressed with a belief that, owing to these or other circumstances, the present time is not considered as propitious by this Government for concluding such a treaty with the United States as has been contemplated; and as I am not authorized, nor inclined, to urge the conclusion of a treaty on your Government, I am induced to suggest, with candor, the expediency of an entire suspension of the negotiation, as preferable to such a protracted one as may probably extend beyond the term of my mission. I beg leave, at the same time, to assure you, that this frank communication is entirely unassociated with the slightest unfriendly feelings, or with any disposition to censure, or complain; being satisfied, as I am, that His Most Faithful Majesty and his Government are disposed to act, not only with good faith, but in the most friendly manner, to the United States.

I renew the assurances, &c.

HENRY DEARBORN.

To the COUNT DE LAPA, &c.

SKETCH.

Soon after my arrival here, I received information from his Excellency, Silvestre Pinheiro Ferreira, Minister and Secretary of State for Foreign Affairs, showing a desire on the part of His Most Faithful Majesty's Government for entering into liberal arrangements with the United States in relation to commerce, with a disposition for drawing closer the bonds of friendship between the two nations. After informing his Excellency that I possessed full power for negotiating and concluding such commercial arrangements, we had a conference, in which it was agreed that we should adopt for a basis of a treaty, the general principles of the late treaty, or convention, between the United States and Great Britain; and ultimately agreed, that each of us should make out a sketch of such a treaty, as would be in conformity with the convention above alluded to, and would be satisfactory to our respective Governments; and within a few days I was to be notified of another meeting, for the purpose of comparing our sketches of a treaty; this was on the 3d of September. On the 20th of October, I received information from his Excellency the Secretary of State, that His Majesty had appointed the Commandeur Correa de Serra, as a commissioner to treat with me. I immediately answered the note, and observed, that I should, with pleasure, meet the Commandeur Correa de Serra at such time and place he should please to appoint. I heard nothing from the Commandeur; and on the 24th December I received a note from the Secretary of State, informing me of the appointment of the Count de Lapa, as Plenipotentiary to treat with me. In the mean time, I had a conference with his Excellency the Secretary of State, and informed him, that I had written to my Government to the following effect: That I had reason to believe, from the long suspension of the negotiations, that this Government found itself so embarrassed with the affairs of Brazil, the organization of the several departments of the new Government, with negotiations with Spain, and by the existing treaty with Great Britain, as might be considered a reasonable excuse for postponing the negotiations with me, at least for a time. I then observed to Mr. Pinheiro, that neither my instructions, nor my own feelings, would allow me to urge his Government to a conclusion of a treaty; and that I had not made the statement to my Government by way of complaint. Mr. Pinheiro explicitly replied to my observations in detail, and declared, that neither of the circumstances I had mentioned, formed any obstacle to the conclusion of the proposed treaty between Portugal and the United States; and that the Count de Lapa would, within a few days, recommence with me the negotiations. The Count very soon called on me; and, as was proposed by him, it was agreed that the conferences should be held at my house. A day was appointed for the exchange of our respective full powers; and after the exchange of powers, a day was agreed on for a conference, and I, at the same time, delivered to the Count my sketch of a treaty, and on the tenth of February had a meeting, and discussed the subject generally, and mutually agreed to adopt the sketch I had made out, with some unimportant exceptions; which exceptions we agreed to and minuted. The Count de Lapa having proposed a regular division of the treaty into three heads, to wit: Navigation, Commerce, and Persons, I made no objection, and he agreed to make out the form of the first head, which he proposed showing to me in the course of that week. It is now the 8th day of March, and I have not had the honor of hearing from the Count since the 10th of February.

HENRY DEARBORN.

The Count de Lapa to Mr. Dearborn.

The undersigned has the honor of informing his Excellency General Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the United States, of His Most Faithful Majesty's invariable desires for the conclusion of a treaty with the United States. The same reasons that have been expressed to H. E. of there being no difficulties to its conclusion subsist, and the state in which the negotiation may be considered to be, is an incontestable proof of it. The good faith with which His Majesty praises himself, of corresponding to the sentiments of the Government of the United States, and its not urging for the brevity, have retarded the proceedings, where extraordinary concurrences have happened.

This frank declaration seems to the undersigned as answering the different points mentioned by His Excellency in his letter and historical sketch of the negotiation.

The undersigned avails himself of this opportunity to renew the assurances of his particular esteem and perfect consideration.

THE COUNT DA LAPA.

Lisbon, *March* 12, 1823.

[The original of this letter is in English.]

Mr. Dearborn to Mr. Penheiro, Minister of Foreign Affairs.

Lisbon, *April* 18, 1823.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, near His Most Faithful Majesty, having very recently seen what is stated to be a decree of His Most Faithful Majesty, dated March 12, 1823, relating to the treaty of 1810, between Portugal and Great Britain, and particularly to the fifteenth article of the said treaty: The confidence which he has, in the candor of his Excellency Mr. Penheiro, Minister of Foreign Affairs, induces him to take the liberty of asking his Excellency whether this decree, or the pending negotiations of the new treaty between Portugal and Great Britain, referred to in the decree, will interfere in any manner with the negotiations respecting the treaty between Portugal and the United States, which has been proposed, and to a certain extent mutually agreed on.

If, from the above-mentioned decree, or from the pending negotiation with Great Britain, or from any other consideration, a temporary suspension of the negotiation between Portugal and the United States would be convenient to the Government of His Most Faithful Majesty, the undersigned will readily acquiesce in such a suspension.

The undersigned renews to his Excellency the assurance of his high consideration and particular esteem.

HENRY DEARBORN.

[TRANSLATION.]

Mr. Silvestre Penheiro Ferreira to General Dearborn.

The undersigned, Minister and Secretary of State for Foreign Affairs, having before him the note of General Henry Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the United States of North America, under date of the 18th of last month, takes pleasure in repeating to His Excellency what he had verbally the honor of affirming to him twice before, when his Excellency made him the same request; besides what a short time since the Count de Lapa had orders to repeat, in answer to a letter which his Excellency addressed to him upon the same subject, dated the 8th of March last, agreeing in this point entirely with the Government of the United States, in regard to the importance of the treaty in question.

The undersigned, on this occasion, renews to his Excellency the assurances of his perfect consideration.

S. PENHEIRO FERREIRA.

Office of the Secretary of State for Foreign Affairs, May 2, 1823.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

Lisbon, *July* 15, 1823.

"Having obtained no satisfactory information from the *present* Government, in regard to its disposition in relation to commercial regulations, I addressed a note to the Marquis of Palmella on the 8th instant, a copy of which I have the honor of enclosing, (No. 1;) and on the 12th I received an answer, a copy of which is also enclosed, (No. 2.)"

No. 1.

Mr. Dearborn to his Excellency the Marquis de Palmella, Minister and Secretary of State for Foreign Affairs to His Most Faithful Majesty.

Sir: Presuming that your Excellency has been made acquainted with the measures which have been pursued in relation to a commercial treaty between His Most Faithful Majesty and the Government of the United States of America, and of course, with the basis and principles agreed on by the Count de Lapa on the part of His Most Faithful Majesty, and by the undersigned on the part of the United States: The undersigned will esteem it as a favor to be informed, as early as may be quite convenient to your Excellency, what may be the present disposition of His Most Faithful Majesty's Government, in relation to a completion of such a commercial treaty between the two countries as has already to a certain extent been mutually agreed on.

Be assured, sir, that it is with the greatest pleasure, that the undersigned embraces the present occasion for presenting to your Excellency his most respectful and friendly regards.

HENRY DEARBORN.

[TRANSLATION.]

The Marquis de Palmella to General Dearborn.

The undersigned, Counsellor, Minister, and Secretary of State for Foreign Affairs, having received the note which, of the date of the 8th instant, General Henry Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the Government of the United States of America, addressed to him, relative to the intended commercial treaty between His Most Faithful Majesty and the Government of the same United States, has to answer His Excellency, that the present events not having yet permitted a full investigation of this business to be made, the undersigned will, as soon as possible, apply himself to it, and then will have much satisfaction in inviting His Excellency to a conference.

Upon this occasion the undersigned repeats to Sen. Henry Dearborn, the assurances of his particular esteem and perfect consideration.

Office of the Secretary of State for Foreign Affairs, 10th July, 1823.

PALMELLA.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

"LISBON, *July* 21, 1823.

"By the request of the Marquis of Palmella, I waited on him on the 15th instant; his manner and deportment was pleasing; he observed that he had been so constantly occupied with business hitherto, as not to have had it in his power to examine the correspondence in relation to the proposed commercial treaty between Portugal and the United States, but that certainly he would attend to it very soon; and that whatever commercial regulations might be framed between the two countries, to be useful and durable, must be perfectly reciprocal; and that he thought the late treaty between the United States and Great Britain a good model."

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States, at Lisbon, to the Secretary of State, dated

"LISBON, *October* 25, 1823.

"Having received no intimations from this Government, of a disposition for recommencing negotiations for a commercial treaty, I begin to doubt whether any further progress may be expected; but a few months more must afford sufficient time for either completing what has so long since been begun, or for ascertaining the real dispositions of this Government on the subject."

Extract of a letter from Henry Dearborn, Minister Plenipotentiary United States, at Lisbon, to the Secretary of State, dated

LISBON, *November* 7, 1823.

"The vessel by which my other letters will be conveyed, not having sailed, I have concluded to profit by the delay, by writing a note to the Marquis Palmella, as my probable last effort for drawing from him the real disposition and intention of this Government, in relation to a renewal of the negotiation for a commercial treaty; a copy of which note I have the honor of enclosing. I hope I may receive his answer, before the vessel sails, so that I may have the honor of enclosing it with my other letters; if not, I will forward it by the earliest opportunity."

General Dearborn to the Marquis of Palmella, Councillor of State, Minister and Secretary of State, for Foreign Affairs.

LISBON, *November* 7, 1823.

SIR: Several months having elapsed since your Excellency was pleased to say, that you would, as soon as possible, look over the papers relating to the commercial treaty, which had, to a certain extent, been mutually agreed on, by the Count de Lapa, on the part of His Most Faithful Majesty, and myself, on the part of the United States, and that you would give me early notice of your having examined the subject; and your Excellency was pleased to express an opinion that a treaty, on the basis of our treaty with Great Britain, would be most desirable; I at the same time informed your Excellency, that my Government did not wish me to press this Government on the subject of a treaty, but if it should find it inclined to enter into literal and reciprocal arrangements, to show an equal desire on my part, for forming a treaty on the basis of the late treaty between the United States and Great Britain. I have, therefore, waited for a communication from your Excellency, as proposed at your last conference at your Excellency's office; but not having received any intimation of a desire on the part of His Most Faithful Majesty's Government to renew the negotiation, I conclude that I may now with propriety state to my Government that there is very little, if any, probability of effecting any commercial arrangement with this Government within the probable term of my mission. My motive for communicating the foregoing observations to your Excellency, is no other than that of merely placing the subject once more before your Excellency, in a plain and candid manner, free from any complaint on my part, or a disposition to urge the renewal of the negotiation.

I renew to your Excellency the assurance of my distinguished consideration and respect.

HENRY DEARBORN.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

Lisbon, *November* 27, 1823.

"On the 12th instant, I received a note from the Marquis de Palmella, in reply to my note to him of the 7th, of which I had the honor of enclosing a copy in my letter to you of the 9th. The Marquis proposed a conference on the 14th, at his office; I waited on him accordingly; he very candidly admitted that, previous to the expiration of the term of the fifteen years stipulated in their treaty with England, concluded in June, 1810, and to such modifications of said treaty as would remove the obstacles now existing, to a satisfactory arrangement with the United States, the Government of His Most Faithful Majesty could not, with propriety, form any such treaty with the United States, as is desirable, but that we might, nevertheless, form a short convention, merely relative to navigation, which would be a commencement of such a friendly and reciprocal arrangement as both Governments desired, which should be on the basis of our convention with Great Britain. I agreed to make a sketch of such a short convention, relating to navigation, as he had proposed, and accordingly made out one and sent it to him on the 19th, a copy of which I have the honor of enclosing. I met the Marquis on the 22d, when he assured me that, within a very few days, he would communicate to me the result of His Majesty's decision on the sketch I had proposed. I doubt whether the 3d article will be considered as admissible at present, and whether we shall ultimately agree on any thing that will be of much consequence; but, by the 1st and 2d articles, some advantage would be gained, as we have so great a number of vessels entering the ports of Portugal, compared with the Portuguese vessels that enter the ports of the United States."

Project of a Treaty.

Article 1. There shall be a reciprocal liberty of navigation and commerce between the United States of America and the Kingdom of Portugal, and such of her colonies as any other foreign nation are or shall be allowed to carry on commerce with.

The inhabitants of the countries, respectively, shall have liberty freely and securely to come with their vessels and cargoes to all such places, ports, rivers, and harbors, in their respective territories, to which any other foreign vessels are or shall be permitted to come; to enter into the same, and remain and reside in any parts of the said territories respectively; also, to hire and occupy houses and stores for the purpose of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, persons, and property, but subject always to the laws and statutes of the two countries respectively.

Art. 2. No higher tonnage, anchorage, light money, or other charges of any kind, shall be imposed on vessels belonging to the subjects of His Most Faithful Majesty, on entering any of the ports of the United States, whilst remaining in port, or on clearing out and leaving any of the said ports, than shall be paid on like vessels belonging to citizens of the United States arriving from foreign ports, other than those belonging to the United States. Nor shall any higher tonnage, anchorage, light money, or other charges of any kind, be imposed on vessels belonging to citizens of the United States on entering any of the ports of Portugal, or such of her colonies as foreign vessels may be allowed to enter; or while remaining at, or on clearing out and leaving any of the said ports, than shall be paid on like vessels belonging to the subjects of His Most Faithful Majesty, arriving from foreign ports, other than those belonging to the dominions of His Most Faithful Majesty.

Art. 3. No higher duties shall be paid on articles the growth, produce, or manufacture of Portugal, or such of her colonies as vessels of the United States shall be allowed freely to trade with, being imported into the United States in vessels belonging to Portugal or her colonies, as aforesaid, than would be paid on similar articles imported into the United States in vessels of the United States. Nor shall any higher duties be paid on articles the growth, produce, or manufacture, of the United States, being imported into Portugal or her colonies, as aforesaid, in vessels of the United States, than would be paid on similar articles imported in vessels of Portugal or her colonies, into the ports of Portugal.

Art. 4. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party, but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct towards the laws of the Government of the country to which he is sent, such consul may be punished according to law, if the laws will reach the case, the offended Government assigning to the other the reasons for the same.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

Lisbon, *January* 26, 1824.

"Since the date of my letter of the 27th of November, in which I had the honor of enclosing a sketch of a short convention, as proposed by the Marquis de Palmella, I have heard nothing from him on the subject; and, under existing circumstances, I have not deemed it expedient to press the subject any further, or to attempt to refresh his memory; being fully satisfied that, whatever might have been his own views, he has found such insurmountable obstacles to carry them into practical effect, as has compelled him to be silent. I am fully convinced that there remains no probability of effecting any satisfactory arrangement with this Government at present."

Extract of a letter from General Dearborn to Mr. Adams.

Lisbon, *March* 4, 1824.

"I have received no intimation from the Marquis de Palmella, in relation to the proposed convention, since the date of the last letter I had the honor of writing to you; nor is it probable I shall; of course I am quite at leisure.

"I have not yet received the copies of the regulations of the custom-houses of Portugal, and her colonies, which I had expected to receive as early as the first of December.

"I am now anxiously looking for the President's permission to return home, as early as I proposed in my former letters."

COMMERCE WITH GREAT BRITAIN.

Report of the Committee on Commerce, made to the House, May 22, 1824.

The Committee on Commerce, to which has been referred a resolution "instructing them to report to this House whether any law exists in contravention of the provisions of the convention of the 3d of July, 1815, made between this country and Great Britain; also, to inquire into the expediency of countervailing, by law, any duties or port charges on American commerce and tonnage, which Great Britain may lay thereon, in her colonies, or elsewhere," report:

That, having bestowed on the first part of the resolution the consideration due to its importance, take leave to state to the House, that no law has been passed, by Congress, which contravenes or violates any provision of the convention subsisting between the United States and Great Britain. They regret, however, to find that an opinion is entertained by the British Government, that the act of Congress, passed the 27th of April, 1816, entitled "An act to regulate the duties on imports and tonnage," in imposing a higher duty on iron, manufactured by rolling than on hammered iron, contravenes the provisions of that convention, on the ground that the duty operates exclusively on iron manufactured by that mode in Great Britain. Were the facts on which this opinion rests established, the committee do not think they would, giving to the convention either a strict or liberal construction, warrant the inference.

From the views taken of this subject by the committee, they are much gratified in being relieved from the necessity of going into a long and elaborate argument on that point, by stating, that the facts set forth and relied on by the British Government, to support the position taken by it, will not enable it to maintain, successfully, that position, as will satisfactorily appear, by reference to the report of the Secretary of the Treasury of the 11th of February, 1824, stating the imports into, and exports from, the United States. That report informs the committee, that iron, manufactured by rolling, is an import into the United States, not only from Great Britain, but also from Sweden, Russia, and other countries. During the last fiscal year, ending the 30th of September, 1823, 27,700 cwt. of iron, manufactured by rolling, was imported from Sweden, and 2,003 cwt. from Russia, which iron was subjected to the payment of one dollar and fifty cents per hundred weight.

These facts, therefore, evidently and conclusively show that iron manufactured by rolling is not, according to the position taken by the British Government, a manufacture exclusively British. One, among many reasons, which influence Congress to impose a higher duty on rolled than on hammered iron, was the inferiority of the former to the latter, in use and quality. Mr. Stratford Canning, in his letter to Mr. Adams, Secretary of State, November 26, 1821, says: "Any difference of use or quality, resulting from the mode of manufacture, may indeed constitute a fair ground of distinction; but there is every reason to believe that no such difference exists in the present instance." That a difference, in use and quality, does exist, which Mr. Canning admits to be a fair ground of distinction, is known to every blacksmith, and to every man who has used it. Every man of judgment gives the preference to hammered iron, because it is freer from dross or impurities than the rolled; and because, whatever articles are made of the former, are not only better, but more durable. The allusion made by Mr. Canning to Mr. Whitney's saw gin, and his comparison of that machine to the machinery employed in rolling iron, is an ingenious effort to get over a puzzling difficulty, by attempting to make things similar which have in them nothing common to each other, on which to found a similitude. It is known, and it not unfrequently happens, that the importance of the interest threatened to be attacked, produces a solicitude for its security, which often occasions its advocates, more zealous to preserve it from injury than judicious in their defence of it, to surrender, unwarily, the vantage ground. Aware of this, the committee have given to the suggestion, or allusion of Mr. Canning, all the consideration it merits, and have satisfied themselves, on investigating it, that it does not support him in the argument he founds on it. The machinery employed in rolling or manufacturing iron, requires, to use it properly, expert and skilful workmen, disciplined in that business, and also the constant and vigilant attention of an intelligent superintendent, to make that mode of manufacturing iron succeed. But Mr. Whitney's saw gin, how happy soever the invention may be, or how much credit soever it may reflect on his genius, is so simple in its construction, so easily worked and managed, that negroes, in the Southern States, are employed to work it, and the effect of its operation is not to produce a change in the use or quality of the cotton, by that mode of separating the cotton from the seed; for, after the process is completed, the cotton is as much a raw material as iron ore is, when taken from the mine.

The ports of the United States have been open, generally, to the introduction of British manufactures, before and since the convention, on principles of amity and liberality; and the committee are not a little surprised to find that the Government of the United States should be charged with giving to the convention an astuteness of construction incompatible with its provisions, especially when the ports of His Britannic Majesty in Europe are closed against the introduction of the staple articles of the Eastern and Middle States. Will the Government of Great Britain allow the importation into Great Britain of cotton and wool cards, and cut nails, manufactures of the United States, on the ground that those articles are manufactured exclusively in the United States, by machines, the invention of ingenious citizens? Or does it allow, on any terms, the importation of those articles into Great Britain? The statutes of that kingdom will give the answer and the commentary. In short, on which side soever the committee look, they see the industry and enterprise of the citizens of the United States subjected by British policy to prohibitions or restrictions, that are not retorted by the Government of the United States, on the industry and enterprise of British subjects. From the views which the committee have taken on this subject, they cannot recommend to the House any alteration or modification of the act of Congress imposing a higher duty on iron manufactured by rolling, than on that prepared by the hammer.

As to the second part of the resolution, the committee respectfully state, that, although the commerce and navigation of these United States with the British West India islands, experience many embarrassments, and are subjected to high duties and charges, to which the commerce and navigation of those islands are not liable in the United States, yet the committee forbear at this time to recommend the adoption of any countervailing measure, as the points of difference in relation to this subject are in negotiation between the two Governments.

The committee, having performed the duty assigned them, respectfully submit to the House the following resolution:

Resolved, That the committee be discharged from the further consideration of the resolution referred to them.

Mr. Canning to Mr. Adams.

Washington, *Nov.* 25, 1822.

Sir: The approach of another session of Congress induces me to remind you of the correspondence which I had the honor of addressing to you last year, by the express commands of my Government, on the subject of the unequal duties levied on rolled and hammered iron, according to the tariff which is now in force. Being aware that the correspondence in question has been communicated officially to Congress, and that the consideration of it by that assembly has been deferred only in consequence of the great pressure of business at the close of the last session, I confine myself at present to requesting your good offices that, as far as depends upon the Executive Government, this matter may be brought, in the course of the ensuing session, to a just and satisfactory conclusion.

I beg, sir, that you will accept the assurance of my perfect consideration.

STRATFORD CANNING.

Hon. John Q. Adams, &c.

Mr. Canning to Mr. Adams.

Washington, *March* 17, 1823.

Sir: Not having the honor to hear from you during the late session of Congress, or since its close, respecting the equalization of the duties on British rolled and hammered iron, imported into the United States, on which subject I have frequently had occasion to address you, it becomes my duty to request a communication of the intentions of the American Government on this point, for the information of His Majesty's Ministers. The message which was sent down to Congress last year, by the President of the United States, together with the correspondence relative to the duties on rolled and hammered iron, afforded a reasonable expectation that the many strong facts and arguments, repeatedly urged against the existing discrimination in the duties on those articles, had at length produced their just effect, and that the American Legislature would hasten to pass an act for placing the duties in question on a footing consistent with a fair and equitable construction of the commercial treaty.

In ignorance of the circumstances, if any, which may have prevented this expectation from being realized, I cannot but hope, sir, that your occupations will admit of my being honored with an early answer to this letter.

I avail myself of the opportunity to repeat to you the assurance of my most distinguished consideration.

STRATFORD CANNING.

Mr. Addington to Mr. Adams.

Washington, *Nov.* 20, 1823.

Sir: It is now seven years since, in pursuance of instructions from His Majesty's Secretary of State, the first representation was submitted by the British Minister, resident in this Capital, to the Government of the United States, against the unequal and unjust duties laid on British rolled iron, imported into the United States.

Since that time the subject has been repeatedly brought under their consideration, as well as under that of the Supreme Legislative body.

It has been presented in so many lights, and all the arguments in support of the claim advanced by the British traders to be exonerated from those duties, have been so often, and so unanswerably pressed, that it would be presumption in me to attempt to add any thing in support of a cause advocated by persons so much more capable, by their weight and ability, of doing justice to it, than myself.

I feel, therefore, sir, that, as far as regards the discussion of the merits of the question, I cannot do better than refer you to Mr. Stratford Canning's letter, to yourself, dated November the 26th, 1821, in which the subject is handled with a clearness and soundness of logic difficult to surpass, and which must carry conviction to every candid and unprejudiced mind.

Setting aside, then, all further argumentation of the question, I shall content myself with appealing, which I do with confidence, to the feelings of integrity and justice which animate the Government of this country, for the exertion of its powerful influence with the Legislature, in order to procure the revision of an act passed under an erroneous impression, or rather total misapprehension of the subject.

That act is manifestly contrary to the spirit, indeed, to the letter, of the convention, concluded in 1815, between Great Britain and the United States, in which it is stipulated, that *like* duties shall be reciprocally leviable upon *like* articles. No mention is therein made of the specific mode of manufacturing those articles.

By imposing an extra duty on rolled iron, between which, and that produced by hammering, it is now proved that, if there exist any difference in quality, that difference is in favor of the former, a shackle is placed on the hands of genius and invention, and a premium offered for the discouragement of science. But surely, sir, this war against useful innovation and improvement is altogether unworthy of a nation distinguished by its love of novelty, by its rapid progress in the arts, and by the native vigor, and inventiveness of mind, of its inhabitants.

If Great Britain, instead of allowing in her own markets to the manufactures of the United States a fair and free competition with those of other nations, were, by a forced construction of the terms of her conventions to burden with oppressive duties such of the articles of the former as, being the produce of the creative talents of their citizens, evinced in the superiority of their machinery, enjoy thereby an advantage over "the like," wares of other countries, would she not render herself justly obnoxious to the imputation of injustice, and illiberality? And yet, sir, this is but the course which the United States have adopted with regard to the iron manufactures of Great Britain.

But I am persuaded that this course is not accordant with the genuine feelings of the country: that the duties in question were originally imposed by Congress, under a misapprehension of the real merits of the case; that those merits being once well known, and duly appreciated, as they must now be, the appeal made to the candor of a body so distinguished by integrity, and liberality of sentiment, as the Congress of the United States, will not be urged in vain; and that the inventive genius of Great Britain will be allowed to secure to her manufacturers those honest profits to which they are so justly entitled.

I have only to add, sir, the expression of my hope, that you will lose no time in submitting to Congress, as shortly after its convocation as may be expedient, the application now made in behalf of the British iron merchants, and that you will lend it the powerful aid of a recommendation from the Government, that the subject may be taken by that body into their immediate consideration.

I have the honor to be, &c.

H. U. ADDINGTON.

Hon. J. Q. Adams, *Sec'ry of State*

Mr. Addington to Mr. Adams.

Washington, *March* 4, 1824.

Sir: I take the liberty of calling your attention to a letter which I had occasion to address to you on the 20th of November last, to which I have not as yet had the honor of receiving an answer, in which I requested the interposition of the Executive Government with the Houses of Congress, for the purpose of procuring an equalization of the duties on British iron.

In a conversation which, posterior to the date of that letter, I had the honor of holding with you, I received an assurance that, although no step in furtherance of the above object had, at that time, been taken by the Government, yet, as soon as the question of the tariff should be brought under the consideration of the Legislature, my wishes should be attended to.

It was with no small mortification that I learnt, yesterday, that the subject of the duties on iron had been already brought to an issue unfavorable to the just demands of the British Government; and *that*, without any formal intervention in favor of those demands having taken place on the part of this Government with the House of Representatives. I have also been assured that, had such an intervention taken place at the proper time, the point desired would, in all probability, have been carried.

I have now, therefore, the honor of addressing you once more upon this subject, and of submitting a request, in the name of His Majesty's Government, that the President will be pleased to recommend to the Senate the consideration of this matter, in order that, according to the express terms of the commercial treaties existing between the two countries, the iron manufactures of Great Britain may be placed upon a footing of strict equality with those of the nations which, in the existing state of things, enjoy an undue advantage over the former.

I have the honor to be, &c.

H. U. ADDINGTON.

Hon. John Q. Adams, &c.

Mr. Addington to Mr. Adams.

Washington, *May* 5, 1824.

Sir: Agreeably to your desire, as expressed to me yesterday, I have the honor to transmit to you, herewith, the copy of a despatch, which I have recently received from His Majesty's Secretary of State for Foreign Affaires, relative to the unequal duties levied in this country upon rolled iron, the manufacture of Great Britain.

In this despatch you will perceive, sir, that I am instructed to press this subject once more, and in the most earnest manner, upon the attention of the American Government, and to represent to them, that, in case a claim, founded upon the clearest grounds of right and equity, be still disregarded by the Legislature of the United States, it must become a question for the consideration of His Majesty's Government, whether, in justice to the interest of Great Britain, it may not be expedient *to act upon the principles laid down by the United States themselves*, by considering their cotton, which stands in precisely the same relation to that of other countries, as the iron of Great Britain to foreign iron, as a manufactured article, and subjecting it as such, to a higher rate of duty than is charged on other cotton, which has not been cleansed by machinery.

I trust, sir, that the Legislature of the United States, by candidly admitting the validity of the claim advanced by Great Britain, will spare His Majesty's Government the pain of taking a measure which, however just, would not be resorted to by them without unfeigned reluctance, and as a step called for by an imperious sense of justice to the interests of His Majesty's subjects.

The equalization of duties, desired by the British Government, is of comparatively trifling importance to this country, but of very serious moment to the interests of Great Britain; inasmuch as those duties directly affect one of her staple commodities; and surely, sir, it were much to be regretted, that, by persevering in a course, by which, independent of its injustice, the United States, in general, are so little benefited, the Legislature of this country should hazard any diminution of the friendly feelings and good correspondence which subsist between the two nations, by forcing Great Britain (for it would be a matter of positive compulsion) into the adoption of measures, which, however undeniably equitable, might yet tend to create in the United States, sentiments of a character opposite to those which at present so happily animate both people in their relations with each other, and which it is the earnest desire of His Majesty's Government to perpetuate by every legitimate means.

I have the honor to be, &c.,

H. U. ADDINGTON.

Mr. Canning to Mr. Addington.

FOREIGN OFFICE, *March* 13, 1824.

SIR: In consequence of renewed applications from the persons engaged in the iron trade of this kingdom, His Majesty's Government have again had under their consideration the difference of duty levied in the United States, on rolled and hammered iron, the produce of Great Britain.

The British Government had hoped that the Message sent by the President of the United States to the Congress, in the year 1822, and the very strong facts and arguments repeatedly used by Sir Charles Bagot, and Mr. Stratford Canning, during their several missions in America, against the existing discrimination in the duties on these articles, would have produced their just effect; but as this unfortunately does not appear to have been the case, I have to instruct you to bring this business again before the American Government, and to represent to them the injury to which the iron trade of this country continues to be exposed by this measure, and the injustice of withholding that relief, to which they in effect admitted our claim, by the Message of the President above referred to.

You will observe, that, if the principle, which appears to have led the Congress to delay the repeal of this discriminating duty, were admitted, it might, with equal justice, be applied by His Majesty's Government to the article of American cotton, imported into this country, as compared with that brought from the East Indies or South America; for the cotton of the United States, being cleaned and separated from the seeds and husks, by a process requiring the aid of machinery, becomes, (if this principle is to be acted upon to its fullest extent,) by parity of reasoning, as much in truth, as the rolled iron, a manufactured article when compared with the cotton of the other countries above mentioned; this last article being imported nearly in the state in which it is gathered, without undergoing any process for the purpose of cleaning or separating it from the seeds, &c.

In pressing, therefore, the American Government to come to a conclusion on this subject, in conformity with the repeated representations addressed to them from hence, I have to request that, in addition to the very able reasoning contained in the notes of your predecessor to the American Government, of the 31st March and the 26th November, 1821, on this subject, you will urge this argument also; and that you will apprize them, that, if, contrary to our just expectation, the existing inequality of duty on rolled and hammered iron be not removed, it must become a question for the consideration of His Majesty's Government, whether, in justice to the interests of this country, it may not be expedient to act on the principle laid down by the United States themselves, by considering their cotton as a manufactured article, and subjecting it, as such, to a higher rate of duty than is charged on other cotton, which has not been cleaned by machinery.

I am, &c.,

GEORGE CANNING.

STATE OF THE SINKING FUND.

[Communicated to the House, February 6, 1824.]

The Commissioners of the Sinking Fund respectfully report to Congress:

That the measures which have been authorized by the Board, subsequent to the last report, of the 6th of February, 1823, as far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the 5th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

DANIEL D. TOMPKINS,
Vice President of the U. S.
JOHN MARSHALL,
Chief Justice of the U. S.
JOHN QUINCY ADAMS,
Secretary of State, U. S.
WM. WIRT, *Attorney General, U. S.*

WASHINGTON, *February* 6, 1824.

TREASURY DEPARTMENT,
February 5, 1824.

The Secretary of the Treasury, respectfully reports to the Commissioners of the Sinking Fund—

That the sums disbursed from the Treasury, during the year 1822, on account of the principal and interest of the public debt, amounted, as per last annual report, to - - - - - $7,849,159 67

And have been accounted for in the following manner, viz:

There was applied, for the payment of a sum short provided, on account of the public debt, prior to the 1st of January, 1822, as per statement B, annexed to the last annual report - - - -		34,588 98
There was applied, during the year 1822, towards the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this Department, as per the annexed statement (A) the sum of - - -	$7,842,190 87	
In the reimbursement of the principal of the deferred stock -	$566,971 83	
In the redemption of the Louisiana stock	5,294 12	
In the redemption of the Mississippi stock	23,388 94	
In the redemption of Treasury note stock	277 00	
In payment of certain parts of the domestic debt - - -	438 99	
In payment of the six per centum stock of 1796 - - -	80,000 00	
In payment of the six per centum stock of 1820 - - -	2,000,000 00	
	$2,676,370 88	
On account of the interest which accrued in that year, viz:		
Amount of interest which accrued -	5,165,819 99	
	$7,842,190 87	
Of this sum there was short provided, consisting of unclaimed dividends not applied for by the proprietors, as per the annexed statement B	27,620 18	
		7,814,570 69
		$7,849,159 67

That, during the year 1823, the following disbursements were made by the Treasury, on account of the principal and interest of the public debt:

On account of the interest of the debt and reimbursement of the deferred stock - - - - -	$5,525,400 09
In payment of certain parts of the domestic debt	294 42
In payment of the Mississippi stock	5,477 07
Making, together, as appears by the annexed statement C, the sum of	$5,531,171 58

Which disbursements were made from the appropriation of ten millions of dollars for the year 1823, and from a repayment, in that year, of moneys heretofore advanced on account of the public debt, as per statement D, and will be accounted for in the next annual report, in conformity to accounts which shall then have been rendered to this Department. In the mean time, the manner in which the said sum has been applied is estimated as follows:

There is estimated to have been applied to the payment of the deficiency, at the end of the year 1822, as per statement B - - -		$27,620 18
In the reimbursement of the deferred stock - - - -		601,611 73
In the payment of the Mississippi stock - - - -		5,477 07
In the payment of certain parts of the domestic debt - - - -		294 42
		$635,003 40
And in the payment of interest on the debt, viz:		
The interest for 1853 is estimated at -	$5,004,113 22	
Deduct this sum, short provided, per estimate F - - - -	107,945 04	
		4,896,168 18
		$5,531,171 58

A statement (G) is annexed, which exhibits the balance of the annual appropriation of $10,000,000 remaining unapplied on the 1st of January, 1824; and a statement, marked H, of the funded debt, on the 1st January, 1824.

All which is respectfully submitted.

EDWARD JONES,
Chief Clerk for
WM. H. CRAWFORD,
Secretary of the Treasury.

[The tabular statements are omitted.]

MEMORIAL

Of a committee of the citizens of Charleston, South Carolina, against the proposed increase of the Tariff.—February 9, 1824.

The memorial of the citizens of Charleston and its vicinity, by their committee, respectfully showeth:

That your memorialists have not witnessed, without the liveliest anxiety and alarm, the efforts that have been made, for some time past, and are still pertinaciously persisted in, by certain persons professing themselves the exclusive friends of domestic industry, to force upon the good people of the United States a system of protecting duties, which, your memorialists do seriously believe, is calculated most deeply to affect the great interests of the agricultural States; perhaps even to work their speedy and utter ruin.

Your memorialists did, upon a former occasion, apply to your honorable body upon this very subject, and they trust that their remonstrance was then marked with all that calmness and decency with which it is fit that citizens, under such a Government as the American, should address themselves to their representatives and rulers. They are persuaded that they took a full and candid view of the whole question, whether it be regarded as one of theoretical curiosity or of great practical moment—whether it be considered in relation to the whole Union or to their own peculiar situation. Upon a solemn review of these their reasonings and representations, (a copy of which is herewith respectfully transmitted,) they see nothing in them that ought to be retracted, or even in the slightest degree qualified. They still maintain that a system of monopoly and bounties is inconsistent with every idea of equal rights and sound policy. They still deprecate so violent a diversion of capital and industry from the channels in which they would naturally flow, for the purpose of forcing them into others, in which their operations must needs be more embarrassed and less efficient. They still protest against that unequal distribution of the public burdens which must necessarily result from the imposing such heavy indirect taxes upon consumption, as a violation of the spirit at least, if not of the very letter of the Federal Constitution. They still think it probable that the failure of the national revenue from the customs, in consequence of the proposed tariff, will make a resort to direct taxation inevitable, and they look forward with concern to the troubles and inconveniences incident to that odious and vexatious system.

But the objections which your memorialists have now to urge against the adoption of the measure in question, are not these general ones. They do not imply a refined discussion of any abstract principles of political economy. They do not involve any complicated calculations of political arithmetic. Unfortunately for the people of the Southern States, they are of a very obvious and palpable kind. They arise immediately out of the situation of this part of the country, and come home with a force, greater than that of any argument, to the business and bosoms of all its inhabitants.

The change that has taken place in the circumstances of this State, since the former memorial was transmitted to Congress, is unprecedented and inconceivable. At that time (and it is no longer ago than three years) South Carolina was enjoying advantages, as an agricultural State, that have seldom if ever been exceeded in any other part of the world. Her staple commodities were sent to a ready market, and commanded prices that showed she shared in a sort of monopoly of it. Thin as her population is, (not above twenty inhabitants to the square mile,) the value of lands every where rose considerably. On the sea islands in particular, to eight, ten, and even twenty times as much as they were rated at thirty years ago, while that of slaves and other property also greatly advanced. The citizens of this State might then contemplate a measure like that in question, if not without disapprobation, at least without dismay, and although they did protest, as they had a right to protest, against an impolitic and premature encouragement of manufactures, in a country like the United States, where there is so much good land unoccupied and in woods, and against the injustice of taxing so heavily almost all the classes of the community, and almost all the States of the Confederation, to fill the pockets of comparatively few speculators and monopolists; yet, as they did not perceive, at that time, the pernicious tendency of the measure in its whole extent, they would probably have acquiesced under it, had it been adopted, without much murmuring—certainly without any open and violent resistance. But things are now in a very different situation with them, and the whole subject has assumed a more serious and gloomy aspect.

The cultivation of cotton, encouraged by the very prosperity which has been just noticed, has been so prodigiously extended in this and other States, as well as in foreign countries, that, notwithstanding the unprecedented increase of the trade in England, every market in Europe is already glutted with it; and as the evil is every day growing with the growth of the new countries into which enterprise is pushing its adventures, there can be no doubt but that, in the course of a very few years, this commodity will, like all others where there is a free competition in trade, be reduced to the lowest possible price. In the mean time, the effects that have already been produced here, by this mighty revolution, are deplorable in the extreme. Property of all kinds is depreciated beyond example. A feeling of gloomy despondence is beginning to prevail every where in the lower country. Estates are sacrificed to pay the last instalments on the bonds given for the purchase money. Nobody seems disposed to buy what every body is anxious to sell, at any price. In short, it is manifest that the extraordinary prosperity which South Carolina, in common with the other Southern States, enjoyed some years ago, is gone by forever, and it will require all the skill and industry of our agriculturists, in future, to maintain their place in the market, even at the most reduced prices of produce.

And is this juncture, your memorialists beg leave to ask, is this juncture, so critical and perilous at best, a seasonable one for the measure in question? Is it at this moment, when the cotton trade, upon which, not the prosperity alone, but the very existence of some parts of the Southern States depends, is sinking under its own weight; when an American statesman ought to be tasking his invention for expedients to protect and preserve that very lucrative portion of it which is at present enjoyed by the United States—is it at such a moment as this, that we are seriously discussing a measure like the tariff bill? When the people of the South are already apprehending the exclusion of their produce from foreign markets, by a fair competition, or by the partialities of the European colonial systems, shall we provoke our present customers to measures of retaliation, by ceasing to be their customers? Is it wise and politic to try experiments on such a vast scale? Is it prudent to hazard so much real and present good for the attainment of so little, and that, too, existing in mere vision and possibility?

Such is the language which your memorialists think ought to be addressed, and which they cannot but flatter themselves will be addressed with effect, to the wisdom and patriotism of your honorable body; but, the occasion is, in their opinion, so momentous and alarming, that they feel themselves warranted in declaring, as they now do, in the most emphatic manner, that they regard such a measure as the one under consideration, (if their view of its nature and probable consequences is correct,) as a violation of the spirit of the Federal compact. Your memorialists would remind the advocates of the tariff, that there is a wide difference between a confederacy of independent sovereignties or States, and a nation living under a single and consolidated Government. The relation of the parts to each other is much more intimate in the latter, than they can ever be in the former case, and as the interest of each individual part is, there, supposed to be identified completely with that of the whole, so it is generally understood that, whenever occasion may require it, great national objects must be promoted, whatever partial evils may be occasioned by the measures adopted for that purpose. But in a confederacy, although the States are united for certain purposes, yet, as to all others, they continue distinct and independent, and have, therefore, distinct and separate interests, and it is not possible to conceieve any situation, in which one member of such a political union can be required to sacrifice itself, in order to promote the welfare or even to secure the existence of the rest. In a consolidated and single empire, if it were necessary to lay waste a whole tract of country and to keep it, for ever so long a time, desolate and in ruins, for the purpose of preventing the incursions of a foreign foe upon the rest of it, there can be no doubt that the individuals inhabiting that tract of country would be obliged to submit to the inconvenience, because requisite for the safety of the whole society of which they would be members, and because their interests as individuals are supposed to be swallowed up and lost in their interests as citizens. But, in a confederacy, no such a case as this could possibly arise, from the very fact, that it was a confederacy, and the giving up of a whole State, as in the case supposed, that is, not with a view to its ultimate interest, but professedly for the purpose of protecting the rest of the confederation as such, would be, as to it, a dissolution of the league.

Now, what is the fact here? We have united ourselves in a great National Government, which is indeed consolidated as to certain purposes, but is a mere league of independent States as to others. Congress has been invested with all the powers necessary to effect the former, and under what description of powers does that of protecting the manufactures of certain States, even at the risk of total ruin to others, come? It must be obvious to every one, that the right to regulate commerce with foreign nations, and the exclusive right to levy duties on exports and imports, were never given with any such view; and, although it is true that the words in which these are delegated, are very large and sweeping, and therefore it would be difficult to say of such a measure as the one in contemplation, that it is absolutely unconstitutional, yet, your memorialists do affirm that it is, nevertheless, inconsistent with the character and spirit of our confederated Government; and they respectfully, but seriously and emphatically call upon you, to whom the conduct of that very complicated polity is committed, because of your wisdom and capacity, to reflect maturely upon the consequences that will probably ensue upon the adoption of the tariff proposed. They certainly deprecate any thing like a difference between the Government and the people; they abhor the idea of disunion; they conscientiously believe that that event would be an era of calamity and downfall to the whole American family; but, it is for this very reason, that they reprobate measures which, for the mere shadow of some imaginary advantage to one or two districts of the country, for the mere private ends of some selfish individuals, expose the most important interests to the hazard of utter ruin; excite clamors and heart-burnings, perhaps open rebellion and sedition, among a people whose habits and inclinations are so peaceful and regular; and bring into jeopardy (for the fact cannot be disguised) a form of Government under which the nation has hitherto prospered so much, and which, with moderate councils, might be handed down to a remote posterity; measures, in short, which most preposterously sacrifice the greater to the less, and insure nothing but evils, much worse than any which they are intended to remove.

And when is it that this pernicious measure is attempted to be forced upon the nation? At a period when its finances are in a condition, beyond all former example, prosperous and flourishing; when there is in the Treasury (without a tax) a clear surplus of nine millions; and when the people are yet expressing their wonder at the singular phenomenon of statesmen devising ways and means, not how to *raise*, but how to *get rid* of money.

There is, then, your memorialists beg leave to remark, no color or pretext to say that these additional duties are to be imposed with a view to *revenue*. The only object can be to put the theory of some speculative politicians to the test of experiment.

This State has a yearly income of seven or eight millions of dollars, which will be hazarded by such an experiment, without the most distant hope or possibility of her deriving any advantage from it.

Now, it is against this desperate gambling, in which the immense stake is not taken out of the *gambler's* own pocket, but that of a *friend's*, that your memorialists do, in the name of the people of South Carolina, as well as of all the agricultural States, utterly protest.

WILLIAM DRAYTON,
HUGH S. LEGARE,
SAML. PRIOLEAU,
WILLIAM SEABROOK,
Committee of the Citizens.

REMONSTRANCE

Of sundry merchants, manufacturers, and others, of the city of Boston and its vicinity, against the bill to amend the several acts imposing duties on imports and tonnage.—February 9, 1824.

To the Senate and House of Representatives of the United States:

The undersigned, merchants and manufacturers of Boston and its vicinity, impressed with a firm conviction that the system of impost duties contemplated in the Bill to amend the Tariff, if carried into effect, cannot but be productive of consequences equally important and injurious to all the various interests of the United States, and, at no distant period, to the manufacturing interest itself, would be wanting in duty to themselves, and in a proper regard to the interests of other classes of their fellow-citizens, like them depending on the immediate or indirect operations of foreign commerce for a support, were they to omit the renewed expressions of their decided disapprobation of the principles as well as details of the bill under consideration. Happily, at the present time, many intelligent individuals of the manufacturing class coincide with the undersigned in the opinion, that excessive duties on foreign articles will be a heavy burden on the agricultural, commercial, and mechanic interests, and indeed on every class of consumers, without any equivalent benefit to manufacturers; and, as we believe, to the injury and perhaps destruction of those very branches of industry, which it is the avowed design of the patrons of the bill to encourage and protect.

The undersigned will not occupy the time of Congress, by endeavoring to support their opinion either on acknowledged principles of public economy, or by elaborate illustrations of probable effects. The former are no doubt familiar to those who compose the concentrated wisdom of our nation, and the latter have been ably and frequently presented to them and the public; but, in no shape, as the undersigned believe, more ably or lucidly than in the memorial of merchants and others of this place, interested in commerce and agriculture, presented to your honorable body in the session of 1820-'21. This presents, in a candid and intelligent manner, the reasons which then, as well as now, induce the undersigned respectfully to remonstrate against "the passage of the bill to amend the several acts for imposing duties on imports, the tariff of duties it proposes, and the principles on which it is avowedly founded, as having a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people."

At a meeting of merchants, and others, interested in the prosperity of commerce and agriculture, at Boston, on the 17th day of August, to take into consideration a communication from the Chamber of Commerce at Philadelphia, on the tariff recommended to Congress at its last session, the following persons were chosen a committee to adopt such measures, in relation to the subject, as they should deem expedient:

William Gray,
James Perkins,
John Dorr,
Nathaniel Goddard,
Benjamin Rich,
Israel Thornkike, Jr.,
William Shimmin,
Thomas W. Ward,
William Harris,
Daniel Webster,
Nathaniel Appleton,
Abbott Lawrence,
Joseph Sewall,
Jonathan Phillips,
Lot Wheelwright,
Caleb Loring,
Samuel A. Welles,
George Bond,
George Hallet,
Samuel P. Gardner,
Josiah Knapp,
Isaac Winslow,
Winslow Lewis,
Thos. Wigglesworth,
John Cotton,
John Parker,
William Sturgis.

The meeting was then adjourned to the 2d day of October, at which time, delegates from the principal seaports of Massachusetts, and farmers, manufacturers, and all others feeling an interest in the subject, were invited to attend.

The committee appointed seven of their number—Messrs. Perkins, Gardner, Webster, Welles, Shimmin, Sturgis, and Dorr, to prepare a report and resolutions, to be submitted at the adjourned meeting.

At the general meeting in Faneuil Hall, on the 2d of October, the following report, presented by Mr. Perkins, chairman of the committee last mentioned, was accepted, and the resolutions accompanying it adopted unanimously; and it was ordered that they be printed, and a copy sent to every member of Congress from this State.

WM. GRAY, *Chairman.*

WM. FOSTER, Jr., *Sec'ry.*

REPORT.

Your committee beg leave to report, that we have examined the proposed tariff, and submit to you some remarks, relating to its probable operation on the community, and to the principles on which it is professedly founded. We shall not enter into a minute discussion of its details, as the imposts which ought to be laid, depend, in every case, on a variety of considerations peculiar to itself, and as we do not consider it any part of the duty assigned to us to digest a code of revenue laws. Neither shall we invite your attention particularly to the effects of the measure on commerce, because we presume you wish to have it distinctly understood that the merchants in this vicinity neither expect nor desire any peculiar favors, nor any encouragement or protection whatsoever, which is not required by the interests of the public. They were not forward, therefore, to oppose the duties recently recommended, however pernicious to themselves as individuals, believing that it was their duty to acquiesce in them, if the public good required it, and that they would not be imposed, if it did not. But the influence which has been obtained by the zeal of private interest, admonishes us that those whose situation and experience enable them to judge of the operation of this new system, should exert themselves to diffuse such information as may tend to make its consequences rightly and generally understood. Its avowed object is to direct and control the occupations of men, by granting special privileges to those engaged in particular pursuits. This can be done (waiving the important question whether it can be done at all without violating the spirit of the Constitution) only at the expense of the community; for it is evident that legislation does not create wealth, but simply transfers it from hand to hand, and can enrich one class only by impoverishing others. It would surely be surprising that a system of restriction so unequal and so repugnant to all sound theory, should be adopted by a free and enlightened people, at a time when the greatest statesmen of Europe, after a long trial of it, are openly acknowledging its incorrectness, and whole nations suffering and lamenting the consequences of its adoption; and when our own unexampled success, under a more liberal policy, has given the sanction of experience to the deductions of reason.

This tariff would impose on certain foreign manufactures duties professedly and effectually prohibitory; and the question involved in its adoption is, not whether the consumer of those goods shall pay a higher price for them, but whether he shall be prevented from purchasing them at all; not whether the duty now levied on the importation of them shall be a little increased or diminished, but whether they shall be totally excluded. In one case, this is already done. From the most accurate information, founded chiefly on official documents, it appears that, from the year 1800 to the year 1812, both inclusive, the duties received on the importation of the coarse cottons of India, amounted to more than three millions nine hundred and thirty-six thousand dollars. But, in 1816, the duty was raised to six and a quarter cents on every square yard, about eighty-three and a half per cent. on their average cost, which, added to the necessary charges, equal to twenty-seven per cent. more, has utterly excluded them; and the whole revenue once derived from this source is lost. Since the organization of our Government, there have been paid into the Treasury of the United States, from the customs alone, nearly three hundred and fifty millions of dollars, while the whole amount of internal revenue and direct taxes, has been little more than thirty-four millions.

To prevent the importation of manufactures, would, of course, deprive the Treasury of the impost now levied on them, and an equal sum must, therefore, in order to support the necessary expenses of Government, be raised by some other direct or indirect tax on the people.

The Committee on Manufactures, who prepared the tariff, did not overlook nor deny this consequence of its adoption, and, in order to remedy it, provided that an additional impost should be laid on all articles of general consumption or necessary use, which are not raised in our own country, such as spices, coffee, and many others, forming a large part of our imports. A new impost on such articles, by increasing their price, would have some tendency to diminish their consumption, and thus prevent an increase of the revenue proportionate to the increase of duty; but, making no allowance for this diminution, the additional duty on them would not nearly supply the deficiency occasioned by the loss of the imposts on manufactures. The chairman of the committee just mentioned, appeared to be well aware of this fact, and declared it to be another inevitable consequence of their system, that an excise should be imposed on domestic manufactures; and this, if our manufacturers are to have a monopoly secured to them, as seems to be contemplated, will be a new tax on the consumer. The first consequence, then, of excluding foreign manufactures by high duties, is to create a necessity for some other tax, equal to the whole sum now levied on them, and which will necessarily be lost by their exclusion.

Another consequence, and the only one which can benefit the American manufacturer, is, to enable him to raise the price of his productions in our market, by adding to it a sum equal to the difference between the present and the proposed prohibitory duty, which addition must be paid entirely by domestic consumers. No duty could enable him to manufacture for exportation; for, if he cannot, at home, enter into competiion with foreigners, without being protected by an impost it is obvious that he cannot rival them abroad where there is no such discrimination in his favor and where he is burdened, as well as they, with the expense of transportation. Duties imposed for the mere purpose of revenue, give an advantage, equal to their whole amount, to our manufactures; but, by increasing them till they become prohibitory, the people suffer a two-fold injury—the price of the goods prohibited is raised, and the revenue, formerly collected from them, is lost. With the sole motive, then, of empowering the manufacturer to raise his price, and thus tax the public in this way for his emolument; another tax, from which he can derive no advantage, is, at once, to be laid on all articles of general use which we cannot produce, and hereafter, still a third, either on the consumption of domestic manufactures, or directly on property and labor. We should not object to any burden, equally apportioned, to raise the revenue necessary for administering the Government; but, to impose one tax, for no earthly purpose but to facilitate the imposition of another, seems to us, to be a policy as whimsical as it is alarming.

The burden occasioned by most of the particular duties recommended, would fall on all the community, but chiefly on those least able to bear it. In this country, the poor man, personally, consumes nearly as much tea, sugar, and coffee, as the rich; and though his clothing is not so fine, yet, its cost constitutes a much greater proportion of his whole expenses. Besides, this new tariff is so nicely adjusted, as to lay a far heavier impost on coarse cottons and linens, than on those of finer texture. It is obvious that an additional duty can have no effect, except in so far as it increases the price, or diminishes the quantity here, of the foreign merchandise on which it is imposed, and, conseqently, can be of no service to any manufacturers but those with whose productions this merchandise now actually comes into competition in our own market. All who have no foreign rivals here at present, who now carry on their business successfully, and supply the country with the fruits of their labor, can derive no advantage, direct or indirect, from a further duty on such articles as they manufacture; since they have already the exclusive possession of the market, and their prices are regulated, not by foreign, but by domestic competition. An additional impost on such articles as are made by these, would be merely nominal, and have no effect, unless it were to blind them to their true interests, and induce them, by the offer of a protection, at once needless and futile, to bear, together with the rest of the community, a great and real burden, for the sole benefit of those classes who now have foreign competitors. Some manufacturers, as those of chocolate and refined sugar, would be greatly injured; and those of cordage, and some of iron, and distillers of molasses, still more so, by the duties proposed to be laid on the raw materials of their manufactures, the price of which must thus be increased, and their consumption lessened. The impost on iron is particularly injurious to industry. It is required for the machines of manufacturers themselves, for all the implements of agriculture, and all the tools of the mechanic arts; and nails, of which six thousand tons are annually made, and chiefly from foreign iron, are one of the very few of our manufactures now actually exported. A far greater number of men is employed in converting this material into articles of use, than in extracting it from the ore; and surely, the interest of the many ought not to be sacrificed to that of the few. The contemplated excise on domestic manufactures, will not be confined to those to which alone this tariff affords a real and efficient protection, but extend to all. Let the manufacturers, then, who now carry on their business untaxed, and those who buy their productions, look to the end, and mark the double effect of such excise, in at once raising the cost, and diminishing the consumption of them.

The manufactures above mentioned must immediately suffer, together with farmers, and all other citizens, the double burden of a new tax, to supply the deficiency of the revenue, and an increase in the price of clothing, and of those little, innocent, social luxuries, which have hitherto been so generally enjoyed among us. And for whose emolument? Principally, in effect, for that of the manufacturers of cotton, woollen, iron ore, and glass, men whose business requires considerable capital. We have no means of determining, exactly, the number of workmen engaged in these pursuits; but those employed on cotton are far the most numerous; and the greatest establishment for working this material in America, that at Waltham, which has a capital of nearly half a million, and which makes its own machinery, and does not pay a man beyond its own walls, except the venders of its goods, requires two hundred and sixty persons, men, women, and children, to carry on its business. But, however the number thus employed be estimated, it is manifest that it must bear so small a proportion to our population that the rate of wages throughout the country would not be perceptibly increased, and therefore these workmen would receive no more than the present price of labor. The gain, then, would accrue to the capitalists who own the factories, and to them alone.

Thus, according to this new scheme, a great, certain, and immediate burden, falls on the public, most heavily on the poorer classes, and redounds to the exclusive emolument of a few, and those few the wealthy. Surely such a scheme can only be justified by showing, clearly, that some definite national benefit will ultimately result from it, fully equal to the present burden; and its advocates attempt to do this by urging, in the first place, that it is necessary for national independence. How is it necessary for national independence? In the elaborate defence of the system, by the chairman of the committee who invented it, we find it repeatedly asserted, that "we must command our own consumption."* Happily for us, this phrase is interpreted in the same speech; and it means, as it seems, that we must have neither imposts nor importation—in plain English, that we must use nothing but our own productions.

In a certain sense, we may be said to depend on foreign nations for whatever we receive from them. But they equally depend on us for the equivalent which we pay them for it, and this dependence is voluntary and mutual. Nor is it any derogation from national dignity. A sovereign who receives tribute from a foreign country, depends on it for that tribute; yet he is not therefore its servant, but its master. If one country produces only labor, and exports only manufactures, and another, in return for these, provides it with the raw materials composing them; the former may, with most propriety, be called dependent; for, since every country has necessarily the capacity to labor in proportion to its population, that which produces the raw material may manufacture it whenever it chooses to do so; but the ability of the other to labor would be worthless, if it could not procure the material to which that labor may be applied. The exchange of raw cotton, then, for manufactures, makes Europe dependent on America, rather than America on Europe. Ask the planter of the South, which of the two is the dependant, himself or the Manchester spinner!

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*"The nation must command its own consumption."

"This nation must command its own consumption and the means of defence."

"If the country commands its own consumption, importation and imposts cease."—*Speech of Mr. Baldwin, of Pennsylvania, in the House of Representatives, on the 24th of April.*

The farmer is the most independant man, because he produces the means of subsistence, and the materials for labor; and the nation which does this, holds, like him, in its own hands, the means of commanding the exertions of others. The capacity of providing for our own support constitutes independence, and this is not diminished by exchanging our superfluous productions for those of other countries. If the goods we receive are comforts, or mere luxuries, we can subsist without them; but this is no reason for depriving ourselves of them unnecessarily. If they are manufactures of materials raised by us, and we might, by prohibiting their importation, make them ourselves, at a higher price than they actually cost us: is it not equally true that, if the hostility of the nation which supplies us, or any other cause, should prevent their importation hereafter, we may make them, at the same additional expense, then? If so, we are not dependent. And why should we assume a burden now, because it may fall on us hereafter? or how does it remedy a future and contingent evil, to make it immediate and certain?

A wise nation, indeed, will not permit itself to be surprised by hostilities, without the means of defence, and will, beforehand, therefore, accumulate those munitions, which are little needed in peace, but immediately requisite in war; or, at least, provide the means of obtaining them. Food and clothing are also necessary for subsistence, and, of course, for defence; but the demand for these being constant at all times, affords, of itself, a constant encouragement to their production, without the special aid of Government. With regard to all the means of defence, however, it is enough for independence and security, if we have the ability to produce or procure them when they are wanted. As to munitions of war, they should receive whatever encouragement is necessary; as to food, we are burdened with it; as to clothing, the very proposal to prohibit, immediately, the importation of foreign manufactures used for this purpose, implies, of itself, a conviction that we are already competent to supply all our wants. The quantity of naval stores, required in peace, being even greater than in war, the stock on hand for commercial purposes would, on a sudden eruption of hostilities, afford the means of protection until we could raise them. In thus considering the subject as it affects our means of defence, we have taken the case assumed by manufacturers as most favorable to their pretensions—that of a war with all mankind. It is obvious that, if there were any neutrals, most of our wants would be supplied as certainly, though not as cheaply, as at present. We have found this to be true in our own wars, and all history confirms it.

But, so far would the enormous tax proposed on hemp and iron be from contributing to national independence, that it would strike a severe blow at our freedom and security. By the existing treaty, American and British ships are placed on the same footing; and it is a subject of gratulation, that our countrymen now sustain the competition. The imposition of new and heavy burdens on our own shipping, would tend to give the British the monopoly of our trade, and to make them our sole carriers. When this is accomplished, there will be no lack of Orders in Council to regulate the trade of America, and the dependence which we shall suffer, unlike that of which we now complain, will be neither mutual, voluntary, nor terminable.

Another favorite phrase of the advocates of this system is, that it would promote national industry. What is national industry but the industry of individuals? And what encourages it like high wages? And what sustains the price of wages but the demand for labor? And what tends so much to increase and support this demand as the employment of our whole capital in those pursuits in which the most labor is required? The occupations, then, in which a given capital demands and maintains the greatest quantity of human labor, are most promotive of industry; and this is eminently true in a country where every thing else is more abundant than capital.

The price of manufactures involves the cost of the raw material, the sum paid the owner of the capital employed in working it, and the wages of the workmen. It is when the last are greatest in proportion to the whole price, that industry is best paid and most encouraged. Machines for multiplying the effects of labor may, indeed, produce a great profit, but it accrues to the owners of them, not to those employed in managing them. Should any one construct a machine so perfect that it would enable a single hand, by merely turning a crank, to supply the country with broadcloth, the possessor of this curious piece of mechanism would certainly make a fortune; but the laborer who put it in motion would receive not a cent more than the regular wages for turning a crank. The occupations in which money is laid out for complicated machinery, for lands, buildings, and fixtures, to accumulate the raw material, or the means of converting it to use, or keep on hand a great quantity of the articles manufactured, so as to dispose of them most beneficially in the market, may afford a profitable investment for capital, but have no exclusive nor peculiar tendency to increase the price or the amount of labor. The factory at Waltham tends to raise wages no more than every other establishment, however small its capital, which employs the same number of hands; and it is difficult to conceive a case, in which industry or its reward can be increased by turning any number of men from one pursuit to another. The machines and implements for the aid of labor, which can be profitably employed with a very small capital, such as the tools of the mechanic, are most useful to the poor; those which require a large capital, to the rich; the former tend to diffuse wealth, the latter to concentrate it. Which is the most consonant to our institutions and character?

Those employments, such as household manufactures, which do not interfere with other business, but only occupy its intervals, do, indeed, increase the quantity of industry in a country. But these need the least encouragement. The labor devoted to them is an absolute gain to the individual, as well as to the public, and may be deemed to cost him nothing; hence, he is in no danger from the competition of those who must derive the means of support, however small, from making similar articles. The same may be said of those which afford occupation to children, and to the other classes, who now subsist with little or no occupation. The subsistence of these persons being already provided for, their wages, in such new employment, would be clear profit. They can really afford to work for nothing, and will be induced to do so for next to nothing.

It is incumbent on those who would give aid to one class of men, to be satisfied, by clear proof, that they shall not materially injure another class, who deserve, at least, protection. In the year 1810, the United States possessed 1,428,827 tons of shipping; and, as one seaman is required, on an average, for every twenty tons, more than 71,000 men must have been employed in that capacity. For every hundred tons four tons of iron are consumed, the price of working which is four cents a pound; hence the very labor of the blacksmith on the iron used in constructing those vessels, independently of subsequent repairs, was worth above four millions and a half of dollars. Among how many was this divided? The ship carpenters, valuing their labor at ten dollars a ton, one-third less than has sometimes been paid, received, for building these vessels, more than fourteen millions of dollars. It is a given rule, that, for every ton of shipping, a ton of timber is necessary; and for this, at nine dollars a ton, the farmer must have received nearly thirteen millions.

The average duration of our vessels, including losses at sea, is estimated, by competent judges, to be seven years. But, suppose it to be ten; then, in order to maintain the same quantity of shipping, these supplies must, every ten years, be repeated; and this, in addition to the whole amount necessary for repairs. Estimate the number of men thus supported, and add to them the ship-joiners, the boat builders, the mast-makers, the block and pump-makers, the painters, glaziers, and plumbers, the anchor-smiths, the coppersmiths, the carvers, sail-makers, riggers, ropemakers, the bakers of ship bread, the butchers, and packers of provisions, the grocers, ship chandlers, tallow chandlers, the coopers, the lightermen, the truckmen, the stevedores and laborers, the gun smiths, the mathematical instrument makers, the wharfingers, the owners of wharves and warehouses, and all others who derive a subsistence from navigation, and their wives and children, and all dependent on them, and see how wide a ruin would follow the attempt to do, what we are pleased to call "commanding our own consumption."

The coasting trade, it may be said, will be left. But to what will this amount, after deducting all that portion of it which is employed in transmitting the goods received from other countries, or those destined to them, and in the vast traffic which ultimately results from foreign commerce?

It has been asserted that this new project will be beneficial to agriculture; that, though the farmer will pay a higher price for all he buys, and be taxed more than ever for the support of the Government, yet, that he will be compensated for this by the creation of another or better market for the produce of the soil. Is this true? That produce consists of articles of food, or of the raw materials of manufactures. How is it possible that manufactures should extend the demand for food? Surely it will not be pretended, in spite of our own experience and that of all mankind, that manufacturing countries increase most rapidly in population, or that they require greater means of subsistence than others. The farmer feeds all the inhabitants of the country now, and here he can do no more. Since, then, the demand for food cannot be increased, the price can be raised only by diminishing the supply. If many now engaged in cultivating the soil are forced to quit the pursuit, the quantity of food raised may become less, and the price, of course, greater. Thus farmers are to be driven from their present employment to seek subsistence in another, and fields now under culture, and laden with plenty, are to be abandoned to desolation; and all this for the extension and encouragement of agriculture. Yet, though the domestic market for food could not thus be increased, the foreign market might and would be diminished; for, we cannot afford to export our productions to other countries, unless we will take what they can give us in return. Now, our farmer understands very well, that a foreign demand for his produce benefits him by advancing the price, not only of that which is exported, but of the whole quantity raised; he obtains more money for all that he sells, whether it is to be consumed at home or abroad.

The establishment of domestic manufactures would, indeed, create a demand at home for the materials of which they are composed, but, at the same time, would lessen the foreign demand to the same extent; because, the nation which now supplies us would cease to want that quantity of the raw material which it converts into manufactures, for our market. And, besides, to increase the price of such manufactures, tends to diminish their consumption, and, consequently, the demand for them, and for their materials. It is the direct interest of the farmer that the raw materials raised by him should be manufactured as cheaply as possible, in order to increase this consumption and demand. It is also his direct interest, for this reason, that the smaller the portion of the price paid by the consumer, which the manufacturer takes for his share, the larger the proportion which the cultivator receives for his. The extent to which his productions are manufactured and used is all that affects him; no matter by whom it is done, or where. Some appear to imagine that our soil must always produce the same quantity, and that we have only to determine whether it shall be made use of at home or abroad. But this is not so. The productions of agriculture are created by the call for them. The existence of more grain and cotton than we actually use, is only the consequence of the demand for exportation. Destroy the cause, (as would be done by prohibiting importations,) and what will become of the effect?

There is, however, an argument in favor of encouraging particular employments by bounties or taxes, which merits a different consideration. It has been justly urged, that there may be occupations peculiarly adapted to our situation and character, and which, if once established, might be carried on here better than elsewhere, so as to afford their productions at a cheaper rate than is now paid for them. And yet habit, and indolence, and the natural attachment of men to the pursuits in which they have been educated, and the immediate expense of commencing the business, and the want of that skill which only time and experience can give, and a doubt how soon or how certainly the profit will be realized,—may deter individuals from engaging in these occupations, and induce them to persist in others less profitable to themselves and to the public; and that, if these difficulties can be overcome by a present tax, which will be more than compensated by the reduction of prices hereafter, it is good policy and economy to impose it. On this principle, encouragement has always been given by our Government to particular pursuits; and it should always be given, to the full extent that this principle will warrant. By its adoption, the whole subject is made a mere question of economy—of economy to consumers, who are *all* the people; and it becomes our duty, not how to make manufactures dear, but how to make them, on the whole, cheap and abundant. The best, and perhaps the only effectual mode of doing it, is to promote competition at the lowest prices.

There is a difference, in this respect, between navigation and manufactures. Our ships engaged in foreign trade derive no advantage, even in our own market, from being near it; for all vessels must make two passages, in order to carry goods from one country to another, and bring back the returns; and it makes no difference which country is the first starting place. Our ships, too, when in the ports of a foreign nation, are liable to have a tax imposed on them, which shall prevent their entering into a fair competition with those of that nation in the trade between us. But our manufactures used at home (and these only are benefited by an impost) have an advantage over all foreign goods, equal both to the expense of transporting the latter, estimated by Mr. Hamilton at between fifteen and thirty per cent., and to the duty imposed on their importation here for the purpose of revenue.

Besides, no other nation can tax our manufactures, so as to prevent their entering into competition with its own in our market, or can give its own any advantage over ours, but by granting a bounty on their exportation from its dominions. This bounty is never, in fact, equal to the cost of transportation and the impost here; and should it in any instance be greater, an equality would be produced by laying an additional duty, equal to the difference, on importations from the single country which granted the bounty. The policy of producing equality by such means—of raising prices to produce competition at high rates, when competition is useful only as it lessens them—may well be doubted. But, on any ground, by what train of reasoning can it be shown, that, because a bounty is granted on the exportation of linens from England, it would promote a free and general competition to prohibit or tax those brought from Germany? Yet this is the motive assigned for imposing a duty of six cents and a quarter on every yard of German linen costing ten cents.

According to the principle above laid down, the reason for a tax increasing the price of goods for a time being to lessen it afterwards, and the only motive for a present monopoly to create future competition, it follows as an invariable rule that such tax or monopoly ought never to be perpetual; for this would be sacrificing the end to the means. As the burden thus imposed on the public is certain and immediate, it follows also that those who call for it must show that a full equivalent will ultimately be received in the reduction of prices; otherwise, the bargain is a bad one. Again, since every benefit ought to be purchased as cheaply as possible, it follows still further that they must prove the present tax to be the smallest which is competent to effect their professed object; for all beyond this is a useless sacrifice. It is, in our opinion, an insuperable objection to the proposed bill, that its advocates make no attempt to show to what the advantage which they expect will amount, or what amount of taxes is requisite for its attainment.

As a general rule, the employments which need the smallest encouragement are best fitted to our actual condition, and most conducive to our prosperity; and those which can be supported only by great bounties or taxes are shown by that very fact to be at least adapted to our character and circumstances, and least likely to occasion a reduction of prices hereafter, by sustaining a free and general competition at the lowest rates. The enterprise and activity of our citizens leave little doubt that the pursuits most appropriate to our situation will ultimately be established, without any extravagant aid from Government, so that the only effect of assisting them would be to hasten their establishment. Is this an advantage worth the price we are called on to pay for it? Those who assert the fact are bound to prove it clearly.

It is only in a very clear case that this principle should be put in practice; since, in the experience of nations, the failure of such attempts has been much more frequent than their success, and has always produced mischiefs not easily remedied. The encouragement of silk manufactures in England is a source of great distress among the people, and great embarrassment to the Government.

The other question is equally important. Is the immense tax proposed to be laid in favor of particular manufactures necessary for their protection? Since true economy requires the expense of protecting those articles only which become cheaper hereafter in consequence of this protection, no manufactures should be encouraged from this motive but such as can be afforded by the maker at a lower price, after the difficulties of establishing them are surmounted; and these, of course, so long as they continue to maintain the price at which they can be sold at first, afford him a profit constantly increasing. Whenever, therefore, the encouragement granted to any manufacture is sufficient to occasion its establishment and existence, its extension, and the further emolument of those engaged in it, may safely be left, and ought to be left, to time, skill, and industry. Can, then, the manufacturers, for whose benefit the new tariff is chiefly designed, exist under our present system? Do they in fact exist? Their zeal, activity, and almost success, in the attempt to render their fellow citizens tributary to their wealth, seem to leave no room for such a question. The necessity of supporting cotton factories is most strongly urged. Now, the price at which the manufacturers in our vicinity can go and take the cotton from the wharf, and bring it back manufactured to the warehouse, is little more than the mere impost on the cottons of India, the only goods which would otherwise come into competition with it.

Though the advocates of the bill under consideration assume the name and the authority of the manufacturers of the United States, the great majority of our manufacturers would be directly and severely injured by its enactment. In this part of the country, those most deeply interested in the very pursuits to which it gives the greatest aid, desire, as we believe, no further encouragement, but understand their true interests, and are well aware that exorbitant taxes, imposed for their profit, could not be long in operation before their effect on other manufacturers, and on the community, would be known and felt; the natural consequence of which would be, to cause a reaction in public opinion, and induce the people, in their indignation, to withdraw the protection now afforded to our manufacturers, and to leave them to contend at once with foreigners in our market, without any other superiority than that derived from being near the consumer, and from duties laid for the sole purpose of revenue.

We rejoice to see manufactures flourish, and deem their spontaneous growth an evidence of wealth and prosperity; but to them, and to all pursuits, the best protection is that which is permanent. The great excellence of laws, and especially of such as affect the employments of men, is stability. By this only, individuals are enabled to regulate their conduct beforehand, and to calculate the chance of success in the occupations which they may select, without danger of having the bread of their industry snatched from their mouths, by nice experiments and novelties in legislation.

We therefore recommend the adoption of the following resolutions:

Resolved, That we have regarded with pleasure the establishment and success of manufactures among us; and consider their growth, when natural and spontaneous, and not the effect of a system of bounties and protection, as an evidence of general wealth and prosperity.

Resolved, That, relying on the ingenuity, enterprise, and skill, of our fellow citizens, we believe that all manufactures, adapted to our character and circumstances, will be introduced and extended, as soon and as far as will promote the public interest, without any further protection than they now receive.

Resolved, That no objection ought ever to be made to any amount of taxes, equally apportioned, and imposed for the purpose of raising revenue necessary for the support of Government; but that taxes imposed on the people, for the sole benefit of any one class of men, are equally inconsistent with the principles of our Constitution, and with sound policy.

Resolved, That the supposition, that, until the proposed tariff, or some similar measure, be adopted, we are, and shall be, dependent on foreigners for the means of subsistence and defence, is, in our opinion, altogether fallacious and fanciful, and derogatory to the character of the nation.

Resolved, That high bounties, on such domestic manufactures as are principally benefited by that tariff, favor great capitalists, rather than personal industry, or the owners of small capitals, and therefore that we do not perceive its tendency to promote national industry.

Resolved, That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequence of its adoption would be, that the farmer must give more than he now does for all he buys, and receive less for all he sells.

Resolved, That the imposition of duties, which are enormous, and deemed by a large portion of the people to be unequal and unjust, is dangerous, as it encourages the practice of smuggling.

Resolved, That, in our opinion, the proposed tariff, and the principles on which it is avowedly founded, would, if adopted, have a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people.

MEMORIAL

Of the Chamber of Commerce of the City of New York, against the passage of the Bill to amend the several Acts for imposing Duties on Imports.—Presented February 9, 1824.

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the Chamber of Commerce of the city of New York, respectfully represents:

That, in common with their fellow-citizens in various parts of the Union, who have embarked their property in commerce and navigation, your memorialists have seen, with alarm and surprise, in the bill "to amend the several acts for imposing duties on imports," commonly called the Tariff bill, and now before your honorable body, principles and details which, if sanctioned by Congress, and embodied into a law, will deeply affect the rights and interests, not of your memorialists only, but of almost every other class of their fellow-citizens.

With the highest respect for your honorable body, but with the plainness and sincerity becoming freemen, we beg leave to lay before you, some of the numerous evils which would result from the proposed bill, should it become a law.

During the late war with Great Britain, much encouragement was given by the National Legislature to the manufactures of this country, and when the war terminated, it was deemed by Congress an act of justice, as well as a measure of policy, to establish a tariff of duties, which, while it should not operate severely on the other great interests of the community, would be a protection to those who had been induced to invest capital in manufacturing establishments. The tariff of 1816, which was then formed, has, with some alterations, continued to this time; and it so far fostered domestic manufactures, that they soon recovered from the embarrassments which followed the great influx of foreign goods in 1815, and have since, in most cases, when managed with skill and prudence, and aided by sufficient capital, been prosperous and profitable; and we do not hesitate to assert, that money vested in such establishments has yielded better returns than money employed in commerce, navigation, or agriculture. Since that tariff has been in operation, the charges on importing foreign goods, including duties and premium on exchange, have varied from 40 to 50 per cent. on the first cost of those which pay ad valorem duties, and a much higher rate on those charged with specific duties; the premium to our manufactures has consequently been, from two-fifths to one-half of the first cost of all foreign articles which come in competition with our domestic products. Though this encouragement to the industry of one class of the community is liberal, almost to excess, still the other classes, confiding in the equity of the Government, and knowing that further aid was required in its fiscal concerns, have patiently acquiesced, in the full belief, however, that heavier burdens would not be imposed, unless the necessities of the nation required them.

It was supposed that this ample protection would have satisfied the manufacturing interest, but the repeated demands which have since been made, show how delusive has been this expectation; and that the object aimed at, and constantly kept in view, is *monopoly*. We ought not and will not charge all this class of our fellow-citizens with this engrossing disposition. Among the manufacturers of the United States we see numbers of our wisest, most patriotic, and most deserving citizens, who carry on this branch of industry with profit to themselves and benefit to their country. Such as these wish not further duties for their own protection. They believe that sufficient encouragement has been already extended to the manufacturing class, and that the hot-bed stimulus of the proposed bill is not wanted to cherish the well-managed manufactories which now exist, or to rear up others of a similar description. Nor would we be understood to charge the mechanics of the United States with a disposition to promote laws to foster their exclusive interests. On the contrary, this numerous and respectable class of our fellow-citizens have the strongest motives to raise their voice in opposition to most of the provisions of the proposed bill. The shipbuilder, the carpenter, the blacksmith, the ropemaker, the dyer, the hatter, the shoemaker, the saddler, the machinist, with every other class of mechanics, and all the laboring classes of the community, are identified with the merchant and the farmer. Their interests cannot be promoted by an enormous duty on hemp, iron, and wool, or by laws which discourage commerce and navigation. They are the great consumers of the country; and it cannot be supposed that a statute which adds to the price of every article of their clothing, of every agricultural implement, every tool used in their various trades, should be acceptable to them, especially if intended to give still further benefits to a class of citizens which has already received its full share of the protection and patronage of Government.

Since the establishment of the tariff of 1816, and of the few changes subsequently made, the national revenue has gone on prosperously; and notwithstanding the universal depression of commerce in Europe and America, it has, since that period, been sufficient to provide for all the engagements and expenses of the Government, and to keep up and extend the great national institutions, and to leave a surplus in the Treasury so large, as we are informed from high authority, as to enable the Treasury Department to anticipate, by nearly twelve months, the reimbursement of many millions of the public debt.

We may fairly infer, therefore, that the necessity of a greater revenue will not be among the motives to pass the bill in question.

Your memorialists have always believed, that the true and legitimate object of taxation is revenue, and that the power "to lay and collect taxes, duties, and imposts," which is given to Congress by the C[illegible]ution of the United States, was not granted [illegible] the intention, nor will it bear the constructi[illegible]at it may be so exercised, as to cherish and elevate one class at the expense of all the other classes of our citizens. The Constitution imposes on Congress the great duty of "promoting the general welfare." To lay taxes which will operate as prohibitions and restrictions on trade, which will promote exclusive interests at the national expense, which imposes heavy burdens on the many, and gives to the few the benefits of a monopoly, cannot be consistent with that sacred duty. Nor can we believe that the general welfare will be promoted by attempts to regulate the industry of individuals, by forcing them out of employments in which they have acquired skill and experience, into others, of which they are ignorant; or by laws inevitably leading to illicit trade and infractions of the revenue.

Popular sentiment with regard to evasions of the revenue laws has hitherto been on the side of Government, and the moral feeling of the people has been a greater security to the collection of the revenue, than all the oaths and regulations of the custom-houses. Establish prohibitory or extravagant duties, and the sense of injury which would arise from the belief that the burden is laid to promote a particular interest, superadded to the desire to profit by illicit traffic, would enlist public opinion in favor of the contraband dealer, and he would enjoy, from a large portion of the community, a degree of countenance, sympathy, and even protection, which he would now look for in vain.

Should the change of popular sentiment take place, where, it may be asked, is the security of the revenue? Would even a navy along our immense line of seacoast be a sufficient protection? We may guard against smuggling in the immediate vicinity of our principal ports, but what is to prevent it on our northern frontier, and in our numerous bays and inlets, from Maine to Florida? Besides, the diminution of the revenue which would arise from smuggling, there would be a still greater reduction in consequence of the enormous duties contemplated by the proposed bill. All the lower-priced cotton goods, flannels, and other coarse woollens, hemp, iron, alum, copperas, guns, most of the enumerated articles of hardware, and many other articles which now pay the Treasury large sums in duties, would either cease to be lawfully imported, or would be brought into the country in small quantities; and the Government would have to resort to some mode of taxation, bearing upon every part of the community, in order to supply the deficiency occasioned by exclusive encouragement to a particular interest.

The revenue would also decrease from a general decrease of commerce and navigation. If we prohibit or extravagantly tax foreign productions they cannot be imported into our country, and if we do not buy from other nations what they have to sell and what we want, can it be expected that they will take from us our commodities? If we do not buy, we cannot sell; for, on the supply of mutual wants is founded all the intercourse and all the commerce of nations, and when they cease to be mutual they cease to exist. Restrictive systems first operate on commerce, then on navigation and agriculture, and when those great interests are prostrated, they necessarily bring down with them the revenues of the Government.

But, perhaps it will be said that the great increase of American manufactures will make up not only the deficiency of supply, but the deficiency of the revenue; that period may be within our prospect, although we have not yet seen its approach; whenever it does arrive we will readily acknowledge that we have been mistaken in all the views which we have entertained; and will cheerfully yield to the manufacturing interest every encouragement which it demands.

A principle which runs through the proposed bill has particularly attracted the attention of your memorialists. The spirit of patriotism which proposes to tax the many for the benefit of a few, proposes also to lay the burden on the poor and to exempt the rich. Those articles which are consumed by the poorer and more laborious classes of our inhabitants, are loaded with enormous duties, while those used almost exclusively by the rich, are taxed at a comparatively low rate. A few instances will illustrate this position. The duties on low-priced cotton goods, on cheap flannels, and low-priced woollens, will, according to the proposed bill, be from 60 to 100 per cent.; and on low-priced guns, 140 per cent. on the first cost. These are almost exclusively used by the least wealthy part of our population; while the fine cottons which pay 25 per cent., fine broadcloths which pay 30 per cent., and elegant fowling pieces, which, by this unskilful project, will pay 6 per cent. only, are almost exclusively used by the rich.

Another feature of the bill before your honorable body is equally partial and impolitic. The Constitution of the United States was instituted, not only to "form a more perfect union," but to "establish justice," and "promote the general welfare." Hence, the burdens on the people should be as equally distributed as possible, and laws which impose taxes having a sectional bearing ought to be carefully avoided. It is well known that, in a number of the States of our Federal Union, there are few or no manufactories, and that the inhabitants of those States are almost exclusively agriculturists. Is it just, is it politic; will it contribute to promote those feelings of common interest, and mutual kindness, on which this Union was founded, and which are its strongest cement, to lay onerous duties on the consumption of the inhabitants of those States, in order to establish great workshops in other parts of our country? If this is done, it may not be the sole evil, or the least injury, which the bill in question will inflict on the citizens of the South. It may lead to results which will jeopardize the value of cotton, the great staple of that section of the Union.

The bill proposes duties which are nearly, if not quite, prohibitory on most of the manufactured cotton goods which are derived from Great Britain. If this should lead to countervailing duties on the part of that nation, their bearing and consequences may be imagined from a few important facts. In 1823, there was imported into Great Britain more than 420,000 bales of cotton from the United

States. During the year 1822, the manufactured cotton goods, of every description, imported into the United States from Great Britain, after adding 20 per cent. for wastage on manufacturing, was equal in weight to 36,444 bales of cotton, of 300 lbs. each. In 1823, the quantity may amount to 40,000 bales. Great Britain is, therefore, our customer for 420,000 bales, and we are her customers for 40,000 bales. If we impose prohibitory, or very heavy, duties on her manufactured goods, may she not meet us by a countervailing duty on American cotton? The culture of cotton is extending in Spanish and Portuguese America, in India, and other parts of the world; and we may, by our own mistakes, raise up successful competition in the greatest staple our nation can boast of. A duty in Great Britain on American cotton, or a bounty on the cotton of her Asiatic dependencies, of two pence sterling per pound, would introduce annually into her manufactories many thousand bales of India cotton, to the exclusion of the cotton grown in the Southern and Western sections of this Republic.

It is painful to your memorialists to perceive, that, while the nation just alluded to is beginning to see the advantages of a free commerce, and the evils of restrictive laws, and her statesmen are about to form their systems of trade on the principles of true political economy, attempts are making in the United States to induce the National Government to adopt a narrow and retrograde policy, and to persuade our legislators that prohibitory regulations and laws, calculated to promote partial and exclusive interests, such as have disgraced Spain and China, are the most wise and politic. The old maxim, to sell dear and to buy cheap, is inverted; and it is now found that to pay high and to sell low, is the true road to national wealth and prosperity. It was formerly believed, that national industry consisted in the growing of cotton, rice, flour, tobacco, ashes, flaxseed, sugar, raising of beef and pork, the building of ships, navigating them, and in the numerous trades inseparably connected with commerce; now, *national industry* is ingeniously construed to mean labor in manufacturing establishments.

Your memorialists readily admit, that, on some articles of luxury, there may, without disadvantage, be an increase of duty, should the exigencies of the Government demand it; and that the existing tariff requires some modifications; but such modifications, to be useful, ought to be gradual, and to be founded on the wants and feelings of the various interests of the community. It is not to salutary changes that we object, but to a system of prohibition and exclusion; a system calculated to raise up one interest and to prostrate every other. We feel not the slightest hostility towards our fellow-citizens who are occupied in manufacturing; it gives us sincere pleasure to believe that they are now engaged in the most profitable branch of industry, and we hope they will continue to do well. These sentiments, while they are sincerely entertained, are, at the same time, perfectly consistent with the opinion, that the manufacturer has no more right to the favor and protection of his Government, than the farmer, the mechanic, the navigator, or the merchant.

Your memorialists fully believe, that the bill now before your honorable body is unjust in its principles, and injurious in its details; that it is calculated to produce unhappy effects on the interests of a body of citizens, while it cherishes and elevates the interests of a particular part; that if it should, without material alterations, become a law, it will promote smuggling, impair the revenue, lessen confidence in Government, and prove injurious to commerce, navigation, and agriculture; and that it is contrary to the spirit of the Constitution under which we live. Sincerely impressed with the truth and importance of these opinions, we feel it to be our bounden duty to remonstrate against the said bill, and to pray your honorable body, that it may not become a law of the land.

WM. BAYARD, *President.*

JOHN PINTARD, *Secretary.*

NEW YORK, *January* 30, 1824.

MEMORIAL

Of the citizens of Richmond and Manchester, in Virginia, upon the subject of the proposed tariff, now before Congress.—February 17, 1824.

At a meeting of the citizens of Richmond and Manchester, at the Merchants' Coffee-House, in the City of Richmond, on Saturday, the 14th of February, 1824, called by the chairman of a former meeting, on the subject of the proposed tariff, now before Congress—

The committee appointed at that meeting to prepare a memorial to the Congress of the United States in opposition thereto, presented the same, which was read, and unanimously adopted by the meeting. Whereupon—

Resolved, That a copy of the memorial, just adopted, be signed by the chairman and secretary, and transmitted to the Representative in Congress from this district, and like copies be furnished to the editors of newspapers in this city.

—

The memorial of sundry merchants, and other citizens of Richmond and Manchester, to the Congress of the United States, respectfully represents:

That they have been much alarmed by the introduction of a bill to the House of Representatives, entitled "A bill to amend the several acts for imposing duties on imports."

Your memorialists have entertained the opinion that the present tariff is too high, and that its exorbitance has caused, in many instances, the consumers of manufactured articles to pay heavy bounties to our own manufacturers, whereby great benefits have accrued to that class, at the expense of the agricultural and commercial classes, which constitute the great bulk of our people. Your memorialists did entertain the hope that the manufacturers would have been satisfied with the great aid which these high duties have rendered to them; but in this they are entirely disappointed, and find that that small but persevering class of the community have, by their exertions, been enabled to lay before the assembled Representatives of the people a scheme, by which that people shall be compelled to submit to the alternative of paying still more exorbitant prices for articles of great necessity and convenience, or to buy similar articles of inferior value of domestic fabrication, at almost equally high prices, or to abandon the use of them altogether. And for what purpose is it, that this people are now required to submit to these heavy exactions? Is it to provide a revenue for a parental Government, which is charged with our defence? No such purpose is pretended.

The revenue appears, from the report of the Secretary of the Treasury, and from the last Message of the President, to be in a flourishing condition; and the motive which has been avowed for this new system is, that the manufactures of our own country may be fostered and protected.

Your memorialists do not mean to enter into an examination of the question, whether Congress have any Constitutional power to lay and collect imposts and duties, for the purpose of giving encouragement and protection to one class of the community, to the injury, and at the expense, of all other classes; they will merely venture to suggest, that this important power was granted by the Constitution for the express purpose of "paying the debts, and providing for the common defence and general welfare of the United States;" and they cannot perceive how this general object can be attained by fostering a particular class, to the prejudice of others.

Whenever it has been found necessary to increase the tariff for the purpose of raising a revenue, to be appropriated for the good of the whole, your memorialists have not complained, nor will they ever complain, when it shall be found necessary for such purpose; but they cannot believe that Congress are acting entirely within their legitimate sphere, when they depart from this great object, and put their hands into the pockets of the great mass of the people, for the purpose of transferring the money there found into the pockets of the favored few.

When we consider the progressive increase of duties which has taken place since the establishment of the Federal Government to this time, we must be convinced that our manufactures have, by the mere operation of laws intended principally for the raising a revenue, been fostered and protected to a prodigious extent. In consequence thereof, there are many articles of foreign manufacture that are now seldom, if ever, imported. How rarely do we hear of the importation of the manufactures of leather, lead, pewter, and tin; paper, stationery, hats, &c.; paints, twine, manufactures of iron, together with the coarser fabrics of cotton! These, and many others, may be almost considered as prohibited. Where, then, is the legislative encouragement to stop? As we advance, the point at which it is to terminate is continually receding from us; we fear we shall never reach it, till we are barred by a total prohibition.

To this result we seem to be advancing gradually, but certainly. When a heavy duty is first imposed on foreign articles, the manufacturers seem, for a while, to be contented; because the encouragement, thus given to them, enables those whose capitals are already invested, or about to be invested, in manufactures, to realize great profits. These great profits, however, after a time, induce so much capital to be vested in those establishments, that a reduction in profits naturally takes place; instead of contentment, dissatisfaction again begins to show itself; they cry out that they want protection and encouragement; they harass Congress with their importunate clamor; they must have still higher duties, or their establishments will fall to decay. Thus, they require restriction upon restriction, until they succeed in destroying all competition, by prohibiting the introduction of such foreign goods as might interfere with goods of their own fabrication.

This seems, to your memorialists, to be the course of things, and against the disastrous and ruinous result of such course we trust that your body will save the nation.

Your memorialists have every reason to believe that the proposed tariff, if adopted, will operate oppressively on the agriculture, commerce, and navigation, of the country; that it will diminish the revenue, lead to direct taxes, and introduce a systematized plan of smuggling, the extent and effect of which cannot be foretold.

The oppressive character of this measure will be attempted to be shown by a few examples.

The first clause of the bill provides, that on all manufactures of wool, or of which wool shall be a component part, a duty of 30 per cent. ad valorem shall be imposed, until the 30th June, 1825, and after that, a duty of 33⅓ per cent. ad valorem; and it is provided, that those woollen goods, the original cost of which, at the place whence imported, with the addition of 10 per cent., shall be less than 80 cents per square yard, shall, with such addition, be deemed and taken to have cost 80 cents per square yard, and shall be charged with duty accordingly.

At the port of Richmond, for the year 1822, there were imported nearly 300 bales of a coarse woollen cloth, known by the name of napt cottons. This is an article peculiarly well adapted to the clothing of our laborers; and, although in the farming counties the existing high duties on coarse woollens have driven the farmers to the domestic manufacture of negro clothing, yet, in tobacco-making districts, the purchase of napt cottons has yet been found more advantageous than family manufactures. Each of these bales of napt cottons contains twenty pieces, and each piece twenty yards, of the width of twenty-seven inches. According to actual invoices, these bales, including packages at the place whence imported, cost, on an average, twenty-six pounds, nine shillings sterling each.

Thus 300 bales then cost	£7,935 00	
Charges which are now subject to duty 10 per cent.	793 10	
	£8,728 10*s*.	=$38,793 33
The existing duty, of 25 per centum ad valorem, gives to the Treasury		9,698 33
Duty now proposed will be on 300 bales, each containing 400 running yards, or 300 square yards, is 90,000 square yards which cost, with charges, about 32 cents per running yard, but are to be taken as having cost 80 cents per square yard, is		72,000 00
A duty of 30 per cent. gives to the Treasury		21,600 00
A duty of 33⅓ per cent. after June, 1825		24,000 00

So that, by the operation of the proposed tariff, the tobacco planters who trade with Richmond will be compelled to pay, upon this single article, in duties to the Government, until the 30th June, 1825, the sum of $11,901 67; and after that time, the enormous sum of 14,301 dollars 67 cents more than they now pay!

According to the invoices before mentioned, the average price of the said article, with the charges, may be set down at 32 cents the running yard, at the place whence imported, and the duty thereon about eight cents. According to the proposed tariff of 30 per cent. the duty will be about 18 cents, and at 33⅓ will be about 20 cents the running yard, that is to say, instead of the present heavy duty of 25 per cent. ad valorem, the proposed bill will levy upon the consumer of this article about 55½ per cent. in one case, and 62 per cent. in the other, on the original cost of the article! What is the effect? Add to these enormous duties the unusual expenses of purchasing, shipping, insurance, freight, mercantile profit, &c., &c., and the article which now costs the consumer from 33 to 55 cents per running yard, will probably cost him from 50 to 75 cents. He cannot afford to pay it, he cannot purchase it from the merchant, and the latter will cease to import it.

It amounts, then, to a prohibition. The commercial capital heretofore employed in the procurement of that article, must be thrown out of that employment. The importing merchant loses his profit, the sailors their wages, the ship owner his freight, and the Government its revenue. But the tobacco planter must still procure his coarse woollens; and he has no other resort but the northern manufacturer. The latter sells some substituted article, (most probably of inferior value) only a little lower than the increased price of the foreign article. The difference between the present price of the imported article, and the price which the northern manufacture will cost him, is an entire loss to the planter. Let us suppose that this difference is from 15 to 20 cents the running yard, (and it cannot possibly be less,) and the planter must pay his tribute annually to the northern capitalist, without any equivalent to himself, and with great loss to the Government. And here let us pause for a moment, and ask the representatives of the people, for what reason this tremendous exaction is required from the planter? It is declared that the great object is to foster and encourage national industry. What! is not the planter a part of the nation as well as the manufacturer? And if you plunder one part of the nation to enrich another, do you thereby encourage national industry? No! This is an egregious abuse of terms, by which we are to be gulled and cheated. Whatever may be the object, the effect of this measure will be to foster local industry, and to give enormous profits to local capital. It will impoverish the consumer, while it will enrich the manufacturer.

We do most seriously protest against this strong effort to compel the Southern planters to pay more than an Algerine tribute to the Northern capitalists.

A review of many other parts of the proposed tariff will display objections to it equally as forcible as those we have urged. Thus, it may be proved, that the proposed duty on *plains* will be an advance on the first cost of from 50 to 88 per cent. according to the original cost. On cotton goods, the minimum cost of which is fixed by the bill at 35 cents the square yard, the duty will be equally oppressive. Thus, on printed calicoes, which cost from 4½*d*. to 7½*d*. sterling, the duty will be from 40 to 64 per cent. on the first cost; on cotton shirtings, cost price from 4½*d*. to 9*d*. sterling, it will be from 49 to 70 per cent.; on cotton brown Hollands, which cost 4*d*. it will be 72 per cent.; on cambric muslins, which cost from 4*d*. to 12*d*., it will be from 50 to 95 per cent., and so on with many others.

Your memorialists will state one other example of the effect to be expected from excessive duties. It is proposed by the present scheme to lay a duty on wrought nails of five cents per pound. In 1817 the duty was three cents. At that duty there was imported into Richmond, and chiefly in American ships, 123,972 pounds, giving to the Treasury $3,699 16 duty. The duty was afterwards raised to four cents, and the whole import of nails, during the year 1822, into the same port, as entered at the custom-house, consisted of

3,635 pounds in American vessels,
56,960 do in foreign do.

60,595, which, at 4 cents, is $2,423 80.

This statement shows that three cents produced more revenue, by 50 per cent., than four cents, and gave employment to our own ships. That the latter duty amounted to a prohibition, or nearly so, is evident, since the ships by which they were imported were chiefly chartered in Europe, to load in Virginia with tobacco and cotton, and the nails, serving as ballast, were conveyed free of freight. Although the present duty of 4 cents is so excessive, yet it is proposed by the bill to lay an additional duty of 25 per cent. What can be more obvious than this, that the point to be attained is a total and complete prohibition?

Your memorialists believe that the proposed bill, if it becomes a law, will produce the following effects:

1. That it will greatly increase the burdens of the farmer, the planter, and other consumers. It will compel them to pay dear for those articles of necessity and convenience for which they now pay comparatively less. They will probably cease to purchase the foreign articles, but the home manufacturer will take care that the domestic article, substituted in its place, shall only cost a little less than the foreign. And, as he will have a monopoly of the article, without any foreign competition, his own price will be fixed on it.

2. It will injure the commercial interest, because, unless the merchant can meet with ready sales, and make a reasonable profit on his sales, he must cease to import.

3. It will injure the navigation and tonnage of the country, for, as our imports decrease, so must our shipping, our seamen, and our foreign trade.

4. It will diminish the revenue from imposts, which has heretofore been considered as the most convenient, the least expensive, and the most productive way of raising revenue. If this effect necessarily results, the Government will be compelled to resort to direct taxation, and to excises, whose odious character is so well known as not to require any remarks.

5. It will inevitably produce smuggling, and all of its train of evils, and it is certainly true that there is no country in which this business can be carried on with greater facility than along our wide spread coast.

There is another effect which your memorialists seriously apprehend will take place, and which, though it may not immediately ensue, yet will be attended with more extensive injury than all of the others. Is there no danger, that the Governments of Europe, seeing the restrictions which we impose on their productions, will, gradually, and as it suits their interests, retaliate our measures, and impose restrictions or prohibitions upon our raw materials? If tobacco is, indeed, so peculiarly adapted to our climate and our soil, that no other country can produce it so abundantly and so cheap, can the same thing be said of cotton? We apprehend not. There are many sections of the globe, besides our Southern and Southwestern States, in which cotton can be raised to the greatest advantage, and which will come into competition with our great staple. Already it has been announced, that the importations from Brazil into the port of Liverpool have increased to an alarming extent, notwithstanding the disturbed state of that country. We know that Great Britain is actively engaged in extending her commercial relations with all of South America, and, if she can find a ready vent for all of her cotton goods in that extensive region, is it not to be expected that she will hold forth every possible inducement to the cultivation of the raw material in that country? Will she not, as the supply increases, either impose heavy duties (now very light) on our cottons, or restrictions of some other description, that shall operate against us, while it favors the cottons of other countries? It has been asserted that the cultivation of cotton has been commenced, with great success, on the fertile banks of the Nile. Egypt would be a most dangerous competitor, if she seriously turns her attention to this object.

If, then, there is danger that Europe can be supplied with this great staple, most abundantly, from other countries, is it not madness for our Congress to adopt a system of restriction on cotton goods, which will have the destructive and ruinous effect of inducing Europe to reject our supplies, and to get them elsewhere? Will Congress thus tamper with the very existence of our cotton-growing States? Will they not pause before they resort to a rash experiment which may bring ruin on the South, and shake our Confederation to the centre?

Perhaps it may be considered as intrusive in your memorialists to speak of these effects upon our cotton-growing States, and that it should be left to the wisdom and sagacity of those people to speak their own complaints to the Government. It is true, that in Virginia very little of that article is produced, when compared with that of our Southern neighbors; and it is also true, that they are able to state their own grievances, and we have no doubt they will do so. But we will beg leave to say, that the commercial and agricultural interests of Virginia are most intimately connected with those of the Southern and Southwestern States. Whatever affects their prosperity, is most sensibly felt by us. Let them be brought to ruin, and our bankruptcy is not far distant.

What is the great and general beneficial effect which the manufacturer insists will be produced by these restrictive measures? It has been said, that the protection of our manufactures, by protective duties, will render us independent of foreign nations. In common with our fellow-citizens throughout the United States, we cherish our political independence, and prize the right of self-government, as the greatest and highest earthly boon, bestowed upon us by the bounty of Providence. But, an entire commercial independence we consider as neither practicable nor desirable. Is it not obvious, that the various soils and climates of the globe are adapted to the growth of various products, and that it is more beneficial for a country to exchange with others its various productions, than to attempt to raise all of them itself? For what purpose did the Great Author of nature provide the great highway of nations, but to enable men reciprocally to exchange their products, and to hold communion with each other with facility?

It is obvious to us, that the independence on foreign nations, of which the manufacturers speak so much, is a misnomer. When rightly understood, it means a *dependence* on themselves.

It has also been said, that the establishment of manufactures will open a more extensive home market for our breadstuffs and provisions. It may be true, that the withdrawing a number of laborers from agriculture, and placing them in manufactories, may diminish, to a limited extent, the productions of the farmer; and though this may be beneficial to that class, in the immediate vicinity of such establishments, its benefits can never extend to remoter quarters; and, in the consumption of the raw material, it cannot exceed one-tenth of the quantity grown. A market such as this, the agriculturists do not ask for, the planter rejects it, and neither are willing to accept it as a boon from the manufacturers, for the great sacrifice they are called on to make, and the burdens it is likely to produce hereafter; they have to pay a most exorbitant price for it, independent of the hazard of being forever excluded from much better and more extensive markets, which we now enjoy at much less expense.

Your memorialists cannot but regret, that, at this day, when the wisest statesmen in England are regretting the pernicious effects of their prohibitory laws, and deploring the difficulties which exist against their removal, our politicians should anxiously wish to introduce that restrictive system into our code, the whole effects of which no man can foresee, and whose intricacy the greatest sagacity cannot unfold.

Your memorialists beg leave further to say, that the restrictions which have heretofore been imposed on the commerce of the country, have always been imposed for great national purposes. The embargo and non-intercourse laws, in all their various modifications, were intended to retaliate upon foreign nations their own injustice, or to defend us from hostility. Their object was, to compel other countries to do us justice; but the present scheme has no such object. At a time of most profound peace, we are called upon to shackle our commerce, to divert our capital from agriculture and from commerce, for the purpose of increasing the profits of the manufacturing capitalist. A deadly blow is aimed at one part of the community, for the sole purpose of benefiting another part of the same community.

Your memorialists, therefore, most earnestly request, that your honorable body will, in your wisdom, think it proper to ward off this evil from us, by rejecting the bill, promptly and decisively.

ROBERT POLLARD,
Chairman.

BERNARD PEYTON, *Secretary.*

MEMORIAL

Of a Committee appointed at a public meeting of the citizens of New York to take into consideration the situation of the Greeks.—December 29, 1823.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the committee appointed at a numerous and respectable meeting of the citizens of New York, assembled to take into consideration the situation of the Greeks, respectfully showeth:

That the citizens whom they represent, have, in common with their fellow-citizens throughout the United States, witnessed, with lively sensibility, the heroic efforts of the Greeks, to rescue themselves from Turkish bondage. It appeared to them that the Greek cause was not only entitled to the good wishes of this country, but, as far as might be done, consistently with the views of Government, to every possible assistance. In the opinion of the meeting, the independence of the Greek nation was a subject of the highest concern to the interests of the human race, and recommended itself to the approbation of every civilized people, by the most powerful considerations that could possibly be addressed, either to the judgment, or to the sympathy of mankind.

Your memorialists have accordingly been instructed to apply to Congress, with the request that the independence of the Greek nation might be recognised by the Government of this country. In undertaking to comply with this instruction, the committee conceive that they will have discharged their trust, when they make known to Congress the anxious desire of the citizens of New York, either that the independence of the Greeks may be speedily and formally recognised, or such steps preparatory thereto taken, as may, in the opinion of Government, be consistent with its interests, its policy, and its honor. The suitable time for the exercise of such a prerogative of the Government, must always rest in its sound discretion, and your memorialists repose with entire confidence in the wisdom of the application of that discretion. They would, however, respectfully suggest, that, in the opinion of their fellow-citizens, as far as they have hitherto thought proper to declare it, the Greeks have proved themselves competent to maintain their independence, and that, by their union, their political system, their organization, their strength, their successes, their intelligence, and their determined spirit, they have sufficiently vindicated their title to assume a separate and equal station among the nations of the world.

How far the case of the South American Governments, whose national existence was admitted by the United States some time since, may be deemed analogous, is respectfully submitted to the superior judgment of those to whom this application is addressed. It has, however, been supposed, that there are peculiar circumstances connected with the cause of the Greeks, which ought to awaken the most active concern for their welfare, and which require the application of every just precedent in support of their independence.

Your memorialists would deem it improper, on this occasion, to enlarge on this subject, or to do more than merely allude to the consideration of the barbarous dominion of the Turks, equally fatal to liberty, learning and taste, and under which the Greeks have been most cruelly oppressed for ages—to the spirit of the Mahometan superstition, presenting an insurmountable obstacle to the progress of civilization—to the ingenious, enterprising, free, and commercial character of the Greeks—to their language, their literature, their religion, and their eventful history, exciting the deepest interest in their favor, and endearing them to the Christian world by recollections of their past sufferings, and of their ancient glory.

And your memorialists will ever pray, &c.

Marinus Willett,
Jno. P. Romeyn,
Henry D. Sewall,
Felix Pascalis,
Hiram Ketchum,
Cadw. D. Colden,
J. R. Hurd,
Geo. Demarest,
Jon. Goodhue,
Nath'l F. Moore,
Jno. Trumbull,
Philip Hone,
Wm. Bayard,
James Kent,
Richard Varick,
Lynde Catlin,
Henry Rutgers,
Henry Wheaton,
John Pintard.
Samuel Boyd,
S. Jones,
M. Clarkson,
Isaac Lawrence,
Stephen Allen,
J. Morton,
Alex. McLeod,
J. G. Swift,
Wm. Johnson,
R. Sedgwick,
John G. Coster,
Charles King,
Robert McQueen,
Jos. O. Hoffman,
Thomas H. Merry,
Wm. Paulding, Jr.,
Wm. Johnson,
Russell H. Nevins.

MEMORIAL

Of the inhabitants of Boston, on the subject of the Greeks.—January 5, 1824.

To the Senate and House of Representatives of the United States, in Congress assembled:

The undersigned, a committee appointed for this purpose by a large number of the citizens of Boston and its vicinity, convened by public notification on the 19th instant, beg leave most respectfully to represent:

That they feel a deep interest in the political situation of the people of Greece; and rejoice in the information recently communicated by the Chief Magistrate of the United States, "that there is good reason to believe Greece will become again an independent nation."

That the contest of an oppressed and enslaved people for the invaluable blessings of self-government, and of a Christian people for the enjoyment of religious liberty, has a claim to the best wishes of this nation for its eventual success, and to whatever aid and encouragement, consistently with the primary duty of self-preservation, it may have the ability to afford.

No one who has duly reflected upon the consequences which have resulted from our own successful struggle in the cause of civil liberty, not as respects the interests of our nation only, but as it has affected also the condition of the whole civilized world, can hesitate to admit that the question of the erection of a new independent Christian State, is the most momentous that can occur in the progress of human affairs; and especially deserving the attention of the representatives of a free people.

Centuries, whose annals are filled with the common succession of wars and conquests, may pass away, without being attended with any important result to the great cause of civilization and humanity; but, the emancipation from a barbarous despotism of a gallant and enterprising and intelligent people, must be followed by the most propitious consequences, and cannot fail to add to the security of all free governments, by increasing the number of those who are devoted to their common defence.

The extermination of the Turkish despotism on the coasts and islands of the Mediterranean sea, has justly been regarded as a more worthy object of concert and coalition among civilized Powers, than any which ever engaged their united attention. The existence of that despotism has reduced to a state of desolation several of the most fertile countries on the globe, and annihilated the commerce that might otherwise have been maintained. It has been attended with the grossest insults and outrages on the dignity of States, and the liberty of their citizens. The maintaining of a powerful marine force, expensive consular establishments, disgraceful tribute, slavery and war, have successively been among the evils to which this lawless domination has subjected the civilized world, and from which our own country has not been exempted.

It is, then, quite obvious that the erection of a new and free State, in the Mediterranean, possessing not only the coasts of Southern Greece, but the islands, particularly of Candia and Cyprus, would form a powerful check upon the barbarous dependencies of the Porte in those seas, and give facility to that commercial enterprise which now finds its way only to one port of European or Asiatic Turkey.

Your memorialists would not presume to make any suggestion as to the course which it may become the American Government to pursue, at this interesting crisis. They feel, in common with their fellow-citizens, generally, the just weight and obligation of that policy which hitherto has prohibited an interference with the internal concerns of any of the Powers of Europe, and content themselves, therefore, with expressing their assurance, that, if the peculiar and unprecedented condition of the Greeks, should, in the opinion of the Government of the United States, form a case of exception to that rule of policy, the measures which may be adopted shall receive their cordial support.

But, your memorialists, at any rate, cannot refrain from the expression of their earnest wish that the indignation and abhorrence which they are satisfied is universal throughout the United States, at the mode in which the Turkish Government is carrying on the war against Greece, should be distinctly avowed in the face of the world, and that other civilized and Christian nations should be invited to join, in a solemn remonstrance, against such barbarous and inhuman depravity.

The sale of forty thousand Christian women and children, (after the massacre of their husbands and fathers) in open market, in the presence of Christian Europe, and without one word of remonstrance from the surrounding nations, is a circumstance discreditable to the age in which we live. If older and nearer nations are silent on such a subject, there is the greater reason, and the more honor, in giving utterance to the feelings which are excited on this side the Atlantic, and of endeavoring to obtain the interference and combining the sentiment of all civilized nations, to put an end to such horrible scenes.

The just indignation of the world has recently been manifested by a simultaneous effort to humble and restrain the Barbary Powers. Every year has witnessed some new exertion among Christian nations, to abolish the horrible traffic in African slaves; an amelioration of the ancient laws of war with regard to private property, has recently been propounded as a subject worthy the consideration of the nations; and yet, no remonstrance has been made in behalf of Christian brotherhood and suffering humanity.

Your memorialists do, therefore, most earnestly commend to the constitutional representatives of the American people, an attentive consideration of the aforegoing interesting and important subjects.

All which is most respectfully submitted, &c.

Thomas L. Winthrop,
George Blake,
H. A. S. Dearborn,
Samuel F. Jarvis,
James T. Austin,
Samuel D. Harris.
Henry Orne,
S. Adams Wells,
Edward Everett,
John C. Warren,
Warren Dutton.

MEMORIAL

Of the Members of the House of Representatives and Farmers of Pennsylvania, praying a modification of the Tariff.—January 5, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, members of the House of Representatives, and farmers, of the State of Pennsylvania, respectfully showeth:

That your memorialists, wholly cultivators of the soil, and not otherwise concerned in manufactures than in their own families, are firmly persuaded that the solid interests of the nation require that an efficient protection be afforded to the manufacturing portion of our fellow-citizens who, with few exceptions, have been greatly depressed ever since the return of peace.

The depression of manufactures has had the effect to injure agriculture in a two-fold point of view:

1st. From the close of the late war, it has driven thousands of manufacturers and artisans, natives as well as emigrants, to agriculture: thus depriving the farmers of a considerable portion of the domestic market for the necessaries of life, which those classes afford; and, moreover, converting customers into rivals, by the surplus produce, beyond their own consumption, created by those persons thus deprived of employment at their usual occupations, and compelled to resort, for support, to the cultivation of the soil; thereby perniciously increasing that glut in foreign markets, to which may be fairly traced nearly the whole of the complicated distresses experienced by the farming interest, in the Middle States, in past years, particularly in 1820 and 1821.

2dly. The want of sufficient protection of manufactures greatly impairs the market for raw materials, hemp, flax, iron, hides, skins, &c., for which, at present, the demand is languid, and, in many cases, the price hardly adequate to the remuneration of the producer.

The idea which, in common with the majority of our agricultural brethren, we long entertained, of the advantages resulting from purchasing goods abroad, because they can be had cheaper than at home, has been proved, by experience, to be ruinously fallacious. The saving, supposing a saving really to be made, of a few dollars, in the expense on clothing and other manufactured articles, is but a poor compensation for the great diminution of the domestic market for raw materials, and for the loss of a quarter, or half a dollar, in the price of a bushel of wheat, and in that proportion, in other agricultural productions; which diminution and loss are necessary results of that policy, which so essentially and inevitably impairs the domestic market for those productions. But experience, which is an incomparably safer guide than theory, abundantly proves that even the poor saving which has been so speciously held out, to induce the agriculturists to oppose any further protection of manufactures, has no existence. Of this position, the event of the high duties imposed on coarse cotton goods, removes all possibility of doubt: as the American markets have been steadily supplied, for years, with those articles, very far superior to the imported, and at a much lower rate than we formerly had to pay for the worthless foreign article, for which they are a substitute.

It, therefore, clearly appears that high duties, in this instance, so far from proving injurious to the agricultural interest, have conferred on it a solid and substantial benefit: thus proving the utter fallacy of dogmas, hitherto received by the mass of our citizens with the most implicit confidence. And there is every reason to believe that the same results would follow the adoption of a similar course of proceeding in the case of woollen, iron, and other manufactures. If it were necessary to adduce foreign facts and experience, to prove this effect of domestic competition, both would be amply found in the case of Great Britain, which excludes, by duties nearly tantamount to prohibitions, almost all foreign manufactures, and is yet enabled to undersell, in manufactured goods, in their own markets, those nations which do not protect the industry of their people by adequate duties.

Whatever plausible arguments might be found for the refusal to afford adequate protection to manufactures, during the wars of the French Revolution, when we had abundant markets for all our agricultural productions, are totally inapplicable to our present situation, in consequence of the exclusion of our breadstuffs from nearly all the ports in Europe, unless when the failure of crops produces a danger of famine. Thus, those nations, from which we receive such immense amounts of manufactured articles, refuse to receive the chief, indeed almost the only important productions, with which nature enables the inhabitants of the Middle States to pay for them. We might, therefore, as we have done in the case of our tonnage, without impropriety, reciprocate prohibition by prohibition. But this is not called for. Such an increase of duty as would prevent our manufacturers from being overwhelmed in our own markets by their foreign rivals, would be sufficient for the purpose.

The pernicious effect of the above exclusion is palpable, from the reduction in the amount and value of the flour exported from the United States lately, as follows:

	Barrels.	Dollars.
Average of 1811, 12, 13	1,383,149	13,980,000
1816, 17, 18	1,121,982	12,346.764
1821, 22, 23	879,743	4,819,506

Thus, it incontestably appears, that the fortunes and prosperity of those of your fellow-citizens engaged in the first and most important of all human pursuits, the raising of grain, and other necessaries of life, are held by the precarious tenure of the seasons in Europe. If they are adverse, farming may be prosperous in the United States; but, if otherwise, our hopes of a fair remuneration for our labors are blighted and withered. This servile dependence on the state of the European markets is, we respectfully submit, unworthy of an enlightened age and an independent nation, blest with such transcendent advantages as Heaven has lavished on the United States. Such a state of things is destructive of the vital interests of above two-fifths of the white population of the Union, depending chiefly on farming; and, on every principle of justice, calls loudly on the national representatives for a prompt and decisive remedy.

The protection of that important portion of industry employed in manufactures, at all times a sound and necessary policy, and supported by the opinions of the wisest statesmen, and the example of the most prosperous nations, has become, at present, an imperious duty, the foreign demand for our staples having, as above stated, considerably decreased—the quantity about one-third, and the amount nearly two-thirds, since 1811, notwithstanding the increase of our population in the intervening period. Whereas, our demands for manufactured goods must increase with our increasing population. We, in consequence, buy more from than we sell to foreign nations; and this with nations is unerringly the road to ruin, as it is with respect to individuals.

Were there any doubt on the important subject thus respectfully presented to your view, it would be removed by a comparison of any two tracts of our country, in one of which manufactures are carried on extensively, and in the other, agricultural pursuits chiefly, or wholly, particularly when remote from the advantages of seaport towns, as is the case with one-half of our territories. In the one, agriculture and horticulture, certain of steady and increasing markets, are carried on with life and spirit—lands are rising in price—every thing flourishes—and, what is of incalculable importance to the farmers, their females and children find valuable employment in and from the factories, for fragments of time which would otherwise be wholly lost. Habits of industry are thus acquired and rewarded, and public and private prosperity promoted. Whereas, in parts of the country destitute of manufacturing establishments, circulation is either arrested, or moves with a sluggish pace—money is rare, and difficult to be procured; there are no markets for horticultural articles; lands are of little comparative value; in a word, every thing languishes. To exemplify this position, and to place it beyond the power of contradiction, it is sufficient to refer to the neighborhood of Providence and Wilmington, on the one hand; and numerous districts in the interior of Pennsylvania, and in the fertile districts of Kentucky and Tennessee, on the other. The difference of soil, and some other natural advantages, is greatly in favor of the latter. But the contrast in prosperity is immensely in favor of the former; and the inference, in support of the system we advocate, irresistible.

We, therefore, respectfully request you will adopt such a modification of the existing tariff, as may afford complete protection to the manufactures of our common country.

[Signed by Jonathan Roberts, and numerous others.]

December 15, 1823.

MEMORIAL

Of the Chamber of Commerce of the City of Philadelphia, praying for a general system of bankruptcy.—January 5, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Philadelphia Chamber of Commerce respectfully showeth:

That the attention of your memorialists has been once more excited, in relation to the establishment of a system of bankrupt laws, throughout the United States, by observing that the subject has been again brought forward for legislative consideration. From the strongest impressions of the importance of this subject, your memorialists are led to reiterate the sentiments which they have heretofore expressed concerning it, and respectfully to submit them to the present Congress.

The experience of your memorialists has added strength to the conviction, that, not only the commercial, but the common and general interests of the country would be promoted by the establishment of a uniform system of bankrupt law. In the very nature of things, much of the business of the country is, and must be, transacted upon credit; and the consequence is, that, through adverse fortune, bad management, or some untoward cause, failures in business are constantly occurring. As the laws now stand, the complete and absolute disposal of their property rests with the debtors, and they designate the trustees, distribute the funds, and coerce their creditors to a release, in such manner and upon such terms as they think proper to impose. It is easy to perceive that, where such is the law, there can be but little hope from the voluntary and partial assignments which are made, that the creditor will obtain his just proportion of the insolvent's effects; and, indeed, in cases of commercial failure, it is now scarcely a matter of expectation that any dividend will be made among the general creditors.

It is both seen and felt that, so far as regards the interests of creditors, such a change of the law as shall produce the certain and equal distribution of the debtor's estate, among all his creditors, is sincerely to be desired.

On the part of the honest and unfortunate debtor, this change is equally desirable. Such debtors experience the greatest difficulty in obtaining that release which a fair surrender of property should effect; and are often compelled to resort to the insolvent laws for a mere protection of the person, and are at last placed in a situation in which there is almost a prohibition of all future efforts. By the prevailing system, they have less favor and protection, or, at least, practically, they experience less, than the fraudulent bankrupt, who boldly imposes his own terms, and compels his creditors to submit to them.

Your memorialists may be suffered to remark, that the provision of the Constitution for a law on this subject, plainly manifests that it is a matter of national concern; and seems to call loudly for the exercise of the legislative functions in relation to it. It would seem that the States are indisposed to exercise the power which remains in them, individually, because the power may be exercised by Congress. The experience of all parts of the country appear to proclaim the insufficiency of the systems of insolvent law which prevail under different forms in the Union, many of which are only endured until a better system can be brought into action; and the sentiment, that a national bankrupt system is required by the interests of commerce and general business, is very extensively prevalent.

It is not the purpose of your memorialists to enter particularly into the discussion of a subject which has been so frequently and fully investigated; but they have thought that the interests which they represent demand that they should again submit their sentiments to Congress, and unite their voice to that of those of their fellow-citizens who are soliciting the enactment of a national bankrupt law. They therefore respectfully request that Congress will take this subject into its early consideration, and adopt such measures as may lead to the establishement of a uniform system of bankruptcy throughout the United States.

By order:
ROBERT RALSTON,
President of the Philadelphia
Chamber of Commerce.

PHILADELPHIA, *January* 1, 1824.

MEMORIAL

Of Samuel Slater and others, a committee appointed by the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, &c.—January 6, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned citizens of the United States, they being a committee appointed by and acting for, the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, humbly showeth:

That, by the fourth clause of the first section of the act of April 27, 1816, entitled "An act to regulate the duties on imports and tonnage," it was provided, that a duty of twenty-five per centum, ad valorem, should be levied, collected, and paid, on imported woollen manufactures of all descriptions, or of which wool was the material of chief value, excepting blankets, woollen rugs, and worsted or stuff goods; on imported cotton manufactures of all descriptions, or of which cotton is the material of chief value; and on imported cotton twist, yarn, or thread, to take effect on the 30th of June, then next, and continue till the 30th of June, 1819; and after the said 30th of June, 1819, an ad valorem duty of twenty per cent. on such woollen and cotton goods, excepting as before excepted. It was further provided, that all cloths of such cotton manufacture which, with the addition of ten or twenty per cent., should cost less than twenty-five cents the square yard, should, nevertheless be deemed and taken to have cost twenty-five cents the yard, and should pay duty accordingly; that unbleached or uncolored yarn, twist, or thread of cotton, costing less than sixty cents the pound; and bleached or colored cotton yarn, twist or thread, costing less than seventy-five cents the pound, should be valued, respectively, at sixty and seventy-five cents a pound, and should pay duty accordingly. That, by the act of April 20th, 1818, the provisions of the above clause were extended to June 30th, 1826. That, by the general provisions of the second clause of said first section of the act first mentioned, blankets and rugs of wool, and worsted or stuff goods, and all fabrics of linen imported, were subjected to a duty of fifteen per cent., ad valorem, without any minimum valuation. The provisions of the 4th clause, section 1st of the act of 1816, so far as they relate to imported manufactures of cotton, were intended, as will probably be recollected by many of your honorable body, to extend a reasonable protection to the domestic manufacture of coarse cotton goods—a manufacture which had been extensively commenced in this vicinity during the embargo, non-intercourse, and war, and which the return of peace, the restoration of our commercial intercourse with Europe, and the competition of European capital and manufactures with those of our own country, had greatly embarrassed. The wisdom of such a measure was seen and acknowledged by many of our wisest and most patriotic citizens. To save from destruction the great amount of capital already fixed in the establishments necessary to the prosecution of the manufacture—in the full persuasion, when so fixed, that it would be protected by Government; to promote the home manufacture of an article of indispensable use among the great majority of our population—to secure a home market, and one which might, thereafter, be increased to an indefinite extent, for the valuable staple of Southern agriculture which formed the raw material of that manufacture, and a home market, also, for our grains and provisions, in maintaining the laborers employed in working it up—to encourage the mechanic arts, which had become auxiliary to the manufacture, the commercial, and shipping interests, on which it was mainly dependent for supply and distribution—to meet, eventually, the demand of the domestic market, possibly to furnish, for exportation, a fabric of great exchangeable value—thus far to relieve our country from those exhausting drains of specie which had checked her industry, and reduced many of her merchants and moneyed institutions to great difficulties. These were the praiseworthy objects of those, who, in the session of 1815–16, advocated the clause in question. It has become the duty of your memorialists, most respectfully, to submit to the Legislature the results of their experience, during seven years, of the operation of legislative provisions which have been enumerated; and to suggest such modifications of, or additions to, the existing laws, as may, under present views and prospects, be deemed necessary to the further and effectual promotion of the objects aforesaid.

That the above mentioned modification of the tariff of duties has been productive of much benefit to the domestic manufacturer, and of incalculable advantage to the community, is readily admitted by those who have observed the course of events. The benefit enjoyed by the manufacturer, consisted, principally, in the comparative steadiness which it gave to the market price of the manufactured article. High profits were out of the question in a case where the number, the activity, and enterprise of competitors rendered all plans of monopoly impracticable. Enabled to calculate, with reasonable certainty, on steady and moderate profits, capitalists were induced to embark their money, and artisans their skill and experience. The mills which had been stopped by the difficulties of 1815 and 1816, were gradually put into motion, in some cases by the original founders, in others, by purchasers at sheriff's sales, or under assignments for the benefit of creditors. As the large stock of India and other imported coarse cloths on hand at the passage of the act, or imported before the expiration of the time limited by it, was taken from the market by the consumer, the demand for coarse American cloths increased; but the prices of those cloths were first prevented from advancing by the remaining foreign stock, and, eventually, suffered a reduction, by the rapid increase of the domestic manufacture and the competition among sellers.

In the years 1820 and 1821, the domestic article had occupied the market, to the almost entire exclusion of similar fabrics of foreign manufacture. In the years 1822 and 1823, so great was the competition among manufacturers, and so large the importation of cheap stuff goods, admitted to entry at a duty of only fifteen per centum ad valorem, and of cheap linens admitted at the same rate, both free from any minimum valuation, that the coarse-cloth manufacture became once more embarrassed, and still labors under great difficulties. A brief view of the policy of the British Government, with regard to manufactures, of the manner in which it renders them subservient to the prosperity of its agriculture and the aggrandizement of its political power, and of the encouragement which it extends to the exportation of the above-mentioned goods, by its drawback and bounty laws, will account for their importation in such large quantities in this country, and indicate the proper measures to be taken by this country for the security of its own agriculture and manufactures.

By prohibiting, under penalties which in some instances touch the life of the offender, the exportation of the raw materials of these manufactures, thus giving to manufactures at home the monopoly at their own prices of those materials, the British Parliament has effectually secured to its own subjects the whole labor of preparing them for the market. The agriculturists are supposed, and with good reason, to be amply remunerated for this restriction on the exportation of those products of their industry, by the enhanced prices of all agricultural products which go to the immediate subsistence of labor. The truth of this remark is fully established by the high rents of lands. The general policy of the system, looking to the most profitable appropriation of the land and labor of the community, seems intended to restrict the production of raw material, for manufacture, to the actual demand—in some instances to less than the actual demand—of the manufacturer; and, by an abundant provision of food, to encourage population. The general effect of the system has been to confine grazing—a branch of agricultural labor, which is, when followed independently, the least profitable of all branches—either to land unfit by its natural surface for any other mode of improvement, or to lands which may be profitably appropriated to grazing, during some period of a regular routine of cultivation; and to prevent the cultivation of flax or other substances forming the raw materials of manufactures, except as intermediate crops. A numerous population may exist with comfort for a long time, although deprived of a full supply of the raw materials of its usual labors, but cannot exist in comfort a single day when deprived of a full supply of the food necessary to its subsistence. The first-mentioned deficiency may be supplied by importations from abroad, but to supply the last by such importations might be impracticable. Hence the wisdom of the above system.

The first grand principle of British policy, therefore, is to increase the individual number and positive physical power of the community. Its second grand principle is, so to regulate the exchanges between that community and foreign communities as to enhance the relative power of the former by obtaining from the latter such articles of exchange as have been produced at a greater expense of human labor, in payment for articles of its own production, obtained at a smaller expense. This object is accomplished by supporting its own side of the exchange with the labor of human hands, assisted by labor-saving machinery; by obtaining raw material for manufactured goods. The use of labor-saving machines, which cost nothing but the expense of their construction and repair, enables one man to perform the work of fifty men, not using such machines. But the production of raw materials cannot be thus facilitated. It requires the actual expenditure of human strength to the amount of the production; and that strength must be maintained by a continual expense of food, of raiment, and lodging. The community, therefore, which exchanges such manufactured articles for raw materials, buys the labor of fifty men for the labor of one man, and enhances its own relative force, while it diminishes the relative force of all communities with which it exchanges on such terms.

In this view of the subject, the British Parliament has continued, from the time of Edward the Third, to restrict the domestic productions of the raw material of manufactures, for exportation, in the raw state; to encourage the home manufactures of the raw materials produced; and the exportation to foreign countries of the manufactured goods. In like manner, the importation of all manufactured articles, the raw materials of which could be produced at home or obtained abroad, or for which a substitute could be found among domestic manufactures, has been either prohibited or restricted by high duties. A modern instance of the adherence of the British Parlinment to the policy of Edward may be found in the history of the British cotton manufacture, and is worthy of imitation in this country. One great branch of the trade of the British East India Company, from its first incorporation, to the rise of the cotton manufacture in England, consisted in the importation from India, and sale in England, and other parts of Europe, of India cotton cloths, of all descriptions. The condensed population, abundance and cheapness of provisions, and low rate of labor, in the Indian peninsula, enabled the company to purchase cloths in that country at prices which bid defiance to all competition, by manual labor alone, in every other country. Their profits, therefore, on the importation and exclusive sale of these goods in Great Britain were enormous. But the invention of labor-saving machinery for spinning cotton, first made by Arkwright, and afterwards improved by himself, and others, threatened to deprive the company of this source of profit. In the year 1787, one hundred and forty-three cotton mills had been constructed, or were in progress, at an expense of one million sterling. Those in operation employed a great number of people. The muslins, calicoes, and other cloths, produced, were more substantial than the India goods. The Company became alarmed, and, in order to check this rising domestic manufacture, imported a very large amount of the Indian fabrics, which they sold at prices 20 per cent. less than those of the domestic manufacture. Though this was a contest entirely confined to British subjects, the British Parliament very promptly interfered in favor of the home manufacturer, and, that same year, imposed a duty of 50 per cent. ad valorem, on the wholesale prices of the imported goods in England. In 1798, this duty was raised to one hundred and twenty-two per cent. ad valorem. By such effectual protection has the manufacture of cotton in England been fostered, that cotton cloths, to a large amount, are now actually sent to India;* and no country, which does not protect its own manufactures by legislative enactments, can reasonably hope to compete with British fabrics in its domestic markets.

But, the monopoly at their own prices, of the raw materials of manufactures produced at home, and the exclusion, from the home and colonial markets, of all goods of foreign manufacture, are not the only encouragements extended by the British Government to the domestic manufacturer. The system receives a new impulse from the acts of Parliament, which allow drawbacks and bounties, on the exportation of certain manufactured goods. These inducements to exportation have a great effect on prices, when the domestic market is threatened with a glut, by redundant manufacture. By relinquishing, in nearly every instance, the excise on the manufacture when exported, or the import duty on the raw materials, of which the manufacture is composed, by paying, in many instances, a direct bounty on the exportation of goods, the raw materials of which are wholly, or in part, of domestic origin, they encourage the manufacturer to persevere in his business. With a reasonable certainty that the drawbacks or bounties will enable him to export, or sell for exportation, without positive loss, he continues to add to the stock of exchangeable commodities. His laborers, with constant employment, consume and pay for the products of agricultural industry; his goods are distributed, and his supplies obtained, by the mercantile and shipping interest, and the country prospers by the united labors of all branches of its citizens.

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* Extract of a letter from a merchant in Manchester, England, to a merchant in Providence, Rhode Island, dated August 23, 1823.

"In cottons, the supply of India, in 1815, under the ancient system of monopoly, by the Company, was, in value, £109,480. In 1821, the supply of the same article, under the existing system of free trade, was £880,881. In 1822, the value of the supply was, £1,020,325, that is, exceeding ten times the amount of the former average supply. In 1815, the quantity of printed cottons, exported from Great Britain into India, was 604,800 yards. In 1821, the quantity of the same export, was 7,602,245 yards. In plain cottons, the increase is equally astonishing, although it may be considered that they produce plain cottons themselves cheaper than any other fabric. In 1815, the quantity of plain cottons, exported from Great Britain into India, was 213,408 yards. In 1821, the quantity of the same manufacture, was 6,724,031 yards. In 1822, the quantity was 9,940,736 yards. If the English manufacturers can stop the spindle and the shuttle of the Hindoo, who is supported upon a handful of rice a day, in a climate where little is required for clothing or shelter, they may feel secure of those, and all other markets, where their goods are allowed admission for consumption."

The permanent effects of these drawbacks and bounties on the manufacture of other communities, form another object of the policy of Parliament. Whenever an article, entitled to drawback or bounty on exportation, has become accumulated in the hands of the manufacturer, he obtains a present relief, in the sum which he receives on the exportation of a part of his stock. The subtraction, from the domestic market, of only one-twentieth, or one-tenth of the whole, gives to the remainder a greater value in that market, than the whole would have commanded before. If the goods thus subtracted be suddenly thrown into the market of a foreign nation, whose domestic manufacture of similar goods is equal to its domestic consumption, or nearly equal, the market value of the whole domestic stock is suddenly reduced, perhaps twenty or twenty-five per cent. The domestic manufacturers of the nation in question are obliged to suspend their industry, perhaps to abandon their works altogether, while the British manufacturer sustains no loss, or a very trifling one, on his shipment, raises the price of his wares in the British market, and is enabled to keep his works in constant operation. He can repeat his shipments, with the certainty of a profit, until the partial revival of the foreign manufacturer compels him once more to make a temporary sacrifice. But the gains of the British, and the losses of the foreign manufacturer, by these transactions, are trifling, when compared with the gains and losses of the communities to which they respectively belong. In the former, the laboring classes are kept in constant employment, and supported on the products of agricultural industry. In the latter, they must be discharged from the factories, and contribute, by their labor on the land, to increase the quantity and diminish the market value of agricultural productions.

When we look at the amount of these drawbacks and bounties on the exportation of some of the manufactured articles in question, we are not surprised at their effect on the manufacture of coarse cotton cloths in this country; on brown and white linens, the cost of which, to the British manufacturer, does not exceed eighteen pence sterling the yard, a drawback of 1½ pence is allowed. Some of these linens brought to this country cost no more than 4½*d.*, and the great bulk of them do not exceed 7½*d.* The drawback on the former is 33½ per cent., and the average about 20 per cent., thus paying the freight and duty to this country. Immense quantities of these goods are imported to discourage the manufacture in this country of coarse cotton cloths. They are highly finished, but of little real value, compared with the domestic goods. A new mode of evading the minimum valuation on cotton goods has lately been found in the importation of mixed fabrics, checks, plaids, sheetings, &c., the webs of which are composed partly of linen and partly of cotton, cleared out from Great Britain. and entered in this country as cloths, of which linen is the material of chief value, they are entitled at the custom houses of Great Britian, to the bounty of 1½*d.* or 3½*d.* sterling the square yard, and pay in those of this country an ad valorem duty of fifteen per cent. This evasion enables those who practice it to introduce goods which interfere with our coarse cloths, at a cost here considerably less than their market price in Great Britain; and to defraud our revenue at the rate of ten per cent. on the whole amount of fine goods of this description imported. On coarse stuff goods, exported and admitted here on payment of fifteen per cent ad valorem, no drawback or bounty is, we believe, allowed; but such allowance is rendered unnecessary by the low price of the raw material, the natural effect of the acts of Parliament, restricting its exportation in the raw state. The qualities of wool, composing the raw material, are bought by the manufacturer at from 6*d.* to 9*d.* sterling the pound, and would, if they could be exported free of duty to this country, command from twenty-two to thirty-five cents the pound—thus giving, really and substantially, an advantage to the British over the American manufacturer, of one hundred per cent. in the cost of the raw material.

Printed cotton calicoes, vestings, and other wares of a like description, on which, when exported, the British Government pays a bounty or drawback of 3½*d.* the square yard, something more than the duty here, greatly embarrass also the sales of American plain and colored goods. If the coarser fabrics of this description were excluded by an adequate valuation and duty, the manufacture of plaids, checks, &c., now nearly ruined, as well as the printing of cottons, already began in several parts of this country, would be greatly encouraged. The works of our manufacturers peculiar to the manufacture of plaids and checks, would again become valuable, and the printing of cottons would create a new demand for their plain goods. It would be important to the manufacturer, in the steadiness of price which it would produce, to the revenue of the country in the duties on the additional quantities of dying drugs required, to the farming interest in the new demand which it would create for the necessaries of life to a new class of manufacturers.

On the foregoing view of the cotton manufacture of this country; of the rivalships to which it is exposed; and the embarrassments to which it is subjected; your memorialists would respectfully suggest, to the wisdom of your honorable body, the following modifications of existing laws:

That the minimum valuation of twenty-five cents the square yard, and ad valorem duty of twenty-five per cent. be extended to all uncolored cloths imported, whether of worsted, cotton, or linen. That a minimum valuation of thirty-five cents the square yard, and an ad valorem duty of twenty-five per cent. be imposed on all colored, printed, or bleached goods imported, whether the same shall be of worsted, cotton, or linen.

That a minimum valuation of one dollar and thirty cents a pound, and an ad valorem duty of twenty-five per cent. be imposed on all imported cotton or linen thread, twist, yarn, or floss. That the aforesaid valuations and duties be made permanent; and that, in every instance of the importation of such goods, there be added to the said duty of twenty-five per cent. ad valorem, a sum equal to the amount of all drawbacks, bounties, or other payments, received from, or secured by, the custom-houses of the country whence said goods were imported, or otherwise secured or paid by the Government of said country.

A general revision of the tariff of duties, and a moderate enhancement of the duties on imported manufactures, the raw materials of which may be found at home, or are within the reach of our commerce, would, also, we are persuaded, greatly assist your memorialists, by the relief which it would soon afford the currency of the country, and the new incentives which it would offer to enterprise, to industry, and skill. In proportion as the rewards of labor are increased, will its ability and disposition to use the necessaries, the comforts, and luxuries of life, be aided and stimulated.

Your memorialists are aware that many objections have been made to any modification of the tariff, whether general or partial, for the encouragement and protection of manufactures; and they are induced, by their respect for the public opinion, as well as for the talents and patriotism of many individuals, in and out of Congress, urging those objections, to offer their own views of these topics, which have been most frequently dwelt upon.

We are told that the regulation of the business of individuals is no part of the duty of Congress. To this, we reply, shortly, the express power of regulation given by the Constitution, and exercised by Congress for more than thirty years, in regulations, almost without number, and touching the trade and industry of the nation in almost every conceivable point.

Another objection, of more serious import, is found in the alleged reduction of the revenue, consequent upon any considerable check on the sale of foreign manufactures in our own markets. To this, we reply, that an exclusion of articles now taxed, will not diminish, but rather increase, the common fund from which taxes are paid—will increase the ability to buy and pay for other articles, still subjected to taxation, and that the consumption of a community is bounded only by its ability to purchase the articles consumed. In proportion as the country is relieved from the payment of the sums now sent abroad for manufactured articles, for which substitutes are provided at home, those sums will be appropriated to the purchase of raw materials or manufactured articles which cannot be produced here. The personal observation of your memorialists confirms this position. Since the rise of the domestic cotton manufacture, thousands of families, who, before its rise, were unable to purchase imported luxuries of food and dress, have become able to do so; and the sales of sugars, teas, and coffee, of silks, crapes, and fine muslin, have been greatly increased, in the neighborhood of the cotton mills. If any reasonable apprehension is entertained on this point, a deficit of the revenue may be prevented by enhancing the duties on the above articles. Silks, in particular, which now pay only fifteen per cent. ad valorem, would bear a duty of twenty-five per cent. without any considerable diminution of their use.

Another objection, zealously urged against the legislative protection of manufactures, is, that the price of the articles on which increased duties are laid, will be materially enhanced to the consumer, who, it is said, will be obliged to pay the American manufacturer whatever price he may choose to set upon his fabrics, since there will be no foreign competition in the way. The same objection was urged against the act of 1815; but the event has fully proved its fallacy. In a very short time after the law was passed, the rapid increase and extension of the cotton manufacture caused such a competition among our own manufacturers, in the article of coarse, brown, and white cottons, the only fabrics protected by that act, that the country became, and still continues to be, fully supplied with the article, at a much less price than similar articles were formerly imported at, without taking into consideration the superior quality of the domestic cloth. This experience of the efficacy of a system of legislative protection to manufactures, affords, we believe, ample reasons for supposing, that were an effectual protection extended to all our manufactures, the rivalship of the American manufacturers, themselves, would prevent the advance of prices, and supply the country on as cheap as, perhaps on cheaper terms than similar articles from abroad now cost us.

The exclusion of an unsubstantial foreign fabric has been pronounced a tax on the poor, for the benefit of the rich. How can that be a tax which has substituted a more durable fabric, at half the price of that excluded—which has multiplied the demands for labor, and increased the reward which it receives, and, consequently, its ability to pay for the cheaper fabric? The accusation is untenable.

It has been stigmatized as an odious monopoly. As between the American community and all others, it is, indeed, a monopoly inculcated by a regard for our own interests, odious only to foreigners, who owe us no allegiance; whose interests we are not bound to consult, at the expense of our own citizens. As between citizens of the American community, it is no monopoly; for every citizen may participate in the benefits of the domestic manufacture, and all are mediately or immediately interested in its success.

It has been strenuously argued, that the legislative protection of manufactures, will annihilate commerce. If your memorialists believed this, they would hesitate, at least, before making the present appeal. Some of them, and very many of the persons whom they represent, are ship-owners and merchants, deeply interested in every branch of foreign and domestic commerce. But their personal observation and experience convince them that this argument is one against fact, that since the rise of the cotton manufacture in Rhode Island, both the coasting trade and foreign commerce of the town of Providence, the principal focus of supply and distribution for it, have greatly increased. The former, in particular, has more than doubled. The aggregate of commercial transactions in Providence, has increased in the same ratio. The ports of Mexico and South America, no longer, as formerly, closed against foreigners, have already afforded markets for partial shipments of coarse cotton cloths, and will, it is hoped, hereafter receive more considerable quantities of these and of other products of our agriculture and manufactures. To send our cottons and other raw materials of manufactures to foreign countries, not in the crude state, as at present, but quadrupled in exchangeable value, by the labor of our own citizens, supported in that labor by the products of our own agriculture, would place our commerce on the most permanent footing, and render the fields of this country more productive, in every thing which constitute substantial wealth, than all the mines of Mexico and Peru. Such a result is certainly attainable, if we may be allowed to conclude from the experience of another nation.

We are persuaded, therefore, that there is no reason to apprehend any injury to our commercial interests, by the encouragement of domestic manufactures; and we believe that those interests will receive additional support from every measure calculated to assist them.

With still less reason can it be asserted, that the encouragement of manufactures, by restrictions on importation, is a tax on agriculture. The new value given to the crude products of the earth, in rendering them fit for use, consists entirely in the labor of man. If manufactures are to be created or extended in a country where they do not exist, or exist in very small numbers, the labor which is required for their prosecution must be maintained for all the essentials of life, on the products of domestic agriculture. If that labor be drawn from among the natives of the soil, then the number of persons employed in producing food must be diminished, as well as the amount of food produced. The prices of agricultural labor, and of its products, advance in proportion to the increased scarcity of both; and farming becomes a more profitable business than it was before; for a number of persons have ceased to be rivals of those who follow it, and have become their customers. If the additional labor required be imported from abroad, then the community gains an immediate addition to its strength, and the farmer an addition to the number of his customers, the prices of his corn and provisions, and the profits of his business.

But, the additional profits which the farmer reaps by the encouragement of manufactures in his neighborhood, are not the only advantage of the measure: while he sells dearer, he buys cheaper. Encouraged by the exclusion of foreign, or preference given to domestic manufactures, the number of hands engaged in the latter is rapidly increased, and the profits of their business are gradually diminished, till, at length, that business becomes no better than other trades; and the farmer is enabled to buy his raiment without paying the expense of its transportation from a distant country.

Thus, mutually assisting and assisted, agriculture and manufactures enrich each other and the community at large. The surplus product of the land and labor of the country, beyond the demands of its population, goes to foreign communities, in the form of manufactured articles, in exchange for raw products or manufactures peculiar to the soil, the climate, or industry, of those communities. Commerce, the great chain of connexion between communities, is established on the firmest basis; and, ministering from the abundance of one to the wants of another, extends the bounds of civilization, of science, and of freedom, to the remotest habitations of the human family.

Samuel Slater,
James Rhodes,
William Harris,
Samuel Greene,
Timothy Greene,
Walter Paine,
Hy. P. Franklin,
Ephm. Talbot,
Wm. Sprague,
Seth Wheaton.

Philip Allen,
Benj. Aborn,
Wm. Rhodes,
Cyrus Butler,
Geo. Jackson,
Edw. Carrington,
Abrm. Wilkinson,
Benj. Cozzens, Jr.,
John Slater,
W. E. Richmond.

MEMORIAL

Of sundry manufacturers, mechanics, and friends to national industry, of the State of Connecticut.—January 19, 1824.

At an adjourned meeting of the friends of manufactures and national industry, held at the State-house in Hartford, Connecticut, on the 1st day of January, 1824, the following memorial, reported by a committee, consisting of two delegates from each county, was unanimously adopted, and ordered to be transmitted to our Senators and Representatives in Congress:

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of manufacturers, mechanics, and friends of national industry, citizens of the State of Connecticut, humbly showeth:

That, while they duly appreciate, they are desirous to embrace the privilege guarantied by the Constitution, to assemble together, and petition Congress for a redress of their grievances. As a component part of a large and flourishing Republic, they sincerely hope their memorial will meet that attention which justice and policy alike demand.

Encouraged by the example of every nation, and by the proffered patronage of our own, your memorialists have, in many instances, embarked their whole property in manufactories calculated to afford a decent livelihood, while they advanced the general good—some have unwisely borrowed capital, and pledged their establishments to creditors for advancements—and while creditors are pressing these demands, because they doubt the security, the unfortunate manufacturer is compelled to witness his certain ruin in the decay of machinery which he cannot use without a still speedier destruction. For, such is the lamentable condition of manufacturers generally, that some are stopped entirely, and others are barely kept in motion to preserve the property. Your memorialists, therefore, ask, with anxiety, if the hand of Government cannot be extended to their relief. The speculative statesman may view with rapture the foundation of our greatness, and boast of independence, while the manufacturer mourns over the preference indirectly shown to foreign fabrics, and laments the indifference to the wants of legitimate children.

It is a fact, undisguised, that the hopes of the manufacturer must perish unless something effectual is done. The question is then asked, shall your memorialists be crushed by the artful designs of rivals abroad? Cannot Congress afford some protection without endangering the welfare of the country? Nay, can our independence in war and in peace be preserved unless the manufacturing interest is supported? How humiliating the reflection! what a stigma on national character, that, in war, we must smuggle from our enemies the comforts and necessaries of life?

The last war has proved the weakness of our resources, when we could not supply a few blankets for the Indians. It was then that a patriotic ardor burst forth, and honesty and good faith were pledged, to cherish a benevolent intention to furnish supplies at home. Then it was that capitalists sought out the best location for manufacturing establishments, and, in the love of country, laid the foundation of future *comfort* or *ruin*. Soon after, Congress ventured, against the many predictions of some members, to grant a heavy duty on coarse cottons—an experiment which must satisfy the statesman of the policy of increasing the tariff on other articles.

Did your memorialists conceive that the interests of manufacturers were distinct from those of the nation at large; did they recognise them as laying claims to *exclusive*, or any protection than what is due to others; did they view them as men engaged in occupations and pursuits which, instead of promoting general prosperity, tended only to their individual emolument; they would unite with the enemy, and leave them to struggle unassisted against the calamities that befall them.

Your memorialists ask not for exclusive privilege to establish a monopoly. They only ask for a due share of protection. Nor, while they see millions expended to support a navy to protect the merchant; while thousands are voted to open new avenues to trade, and increase the splendor of Courts, by sending Ambassadors, Consuls, and agents, abroad, they offer no murmur or complaint: and while they cheerfully acquiesce in all just measures to advance the glory of our Republic, they confidently rely that the interests of your memorialists will not be forgotten.

But, inquiry may well be made, whether, extending our acquaintance and commercial intercourse with foreign ports to increase the influx of luxuries, will not prejudice internal economy, unless we can export something besides dollars to liquidate the balance of trade.

As the happiness of domestic life is frequently destroyed by cultivating too extensive an acquaintance with the great, may not our Republic, in their zeal for glory, overlook internal polity? The mechanic and manufacturer, sensible their vocations are confined to the humbler walks of life, and cannot gratify the ambitious by elevation from equality with other citizens, do not expect from the political adventurer any certain assistance; yet there are many, "whose hopes are our hopes," who practically feel the distress of their constituents, and are destined to suffer or enjoy with them alike in adversity or prosperity—from such is anticipated an honest zeal.

Your memorialists would respectfully ask, whether they have in vain placed their confidence in the help of Congress. The subjects of England and France, and, indeed, of almost every other nation but our own, are prosperous in their manufactures—and why? Because Government promptly tells them, "you shall be protected, and foreign fabrics excluded, so far as they come in competition." But, when the manufacturer here asks for assistance, the answer is, *no;* our revenue will be affected. The wheels of Government must stop, if duties on imports are diminished. And the Southern planter says, *no;* why should I be taxed, or why should one portion of the country be compelled to build up another? The manufacturer is directed to look for consolation to the "let us alone policy," and turned off with the chilling reflection that, although all is hazarded, he finds no relief. But, are the common objections substantial? If the duty on certain articles was increased, a smaller importation might afford equal or greater revenue.

The same clamor was made when the duty on coarse cottons was increased, and, notwithstanding the fearful forebodings of opponents, no evil then resulted to the Treasury. If, then, we seek a suitable time for the experiment, (if increasing the tariff can be deemed one,) what moment more auspicious than the present, when the Treasury is prosperous, and when a mite given in season, is better than thousands too late?

But will an increase of the tariff injure the Southern planter? He is now protected by a duty on tobacco and sugar, from 50 to 100 per cent., while the manufacturer of the Northern and Middle States is left to contend against every disadvantage.

Cotton is now the great remittance to liquidate the enormous debt due from citizens of the United States to Great Britain. But how soon will England supply her manufacturers of wool and cotton from her own colonies, the West and East Indies? How soon will the island of Jamaica change the culture of cane, at present unproductive, to the culture of cotton? The time may not be far distant. In that event, where is the planter to find his market? Not in the Republics of South America. They have no manufactures. Should, however, the manufactures of the Middle and Northern States be extended, by suitable encouragement, how easily would the planter find a sure market, and the coaster employ, in transporting manufactured cottons to the new and important ports of the South? By supplying our markets with domestic fabrics, we diminish the demand for foreign cloths, and with it our vast indebtedness; and as the indebtedness diminishes, the demand for cotton for exportation will be proportionably lessened.

There is, however, some apology for former opposition from the South, to high duties to aid the manufacturer of the North. For it must be admitted, that, until lately, there was a moral inability to supply the demands for cloths, by domestic manufacture. A high duty, then, would have enhanced the price of bagging and clothing for the slaves. But that time is past. Whoever will examine the extent of our manufactures, a subject little understood by the Southern States, must admit a present ability within ourselves to furnish every article of clothing, fine linen and silk excepted. Your memorialists do not suppose their interest alone is to be promoted by a revision and increase of the tariff. The languishing prospects of the agriculturists rest upon the final decision of this question. Their granaries are full, domestic markets supplied, and foreign markets glutted. The farmer who, with the productions of his farm, pays the mechanic for the labor of his shop, affords a familiar example of the benefits of a domestic market. The latter, prevented by the nature of his employment from cultivating the earth, is dependent on the farmer for supplies; and, in exchanging for his labors, receives the surplus produce of the farm. This, with the extension of numbers, applies equally well to manufactories.

It is estimated that in 1820 the manufactories in Oneida county, New York, consumed $110,000 of agricultural productions; and that more than $40,000 worth of flour, and 200,000 bushels of corn, have been imported into Providence during the last year, and consumed principally by those interested in manufactories; whereas a market is not afforded for one pound of our flour, wool, flax, or hemp, by the British, who sell us manufactures to the amount of $40,000,000, annually. The growers of these articles could not be injured by an increase of duty on imports, but benefited, since our home manufactories consume more of our breadstuffs than the whole continent of Europe, and, we might add, that of the East Indies.

Why, then, should not manufactures be encouraged by a higher tariff? Will patronage lead to an extravagant investment, or will fabrics advance in the hands of monopolists? The present suffering of the manufacturers will check any immediate ardor; and, so far as respects monopoly, it is justly remarked that the internal competition which takes place, does away every thing like monopoly, and by degrees reduces the price of the articles to the minimum of a reasonable profit on the capital employed.

Your memorialists would further state, that the manufactories of iron, in this State, are suffering under their discouragements; that these important establishments will never flourish, while they have to compete with the Russian and Swedish nobility, who supply this country. We say nobility, for the iron factories, in Russia and Sweden, are carried on by the manual labor of an indigent peasantry, who are attached to, and transferrable with, those vast estates, and who receive no further compensation than a bare subsistence; and while hemp is imported without duty, iron will continue to be brought to this country as ballast, at a very moderate freight. In 1820, it is supposed 32,000 tons of iron was consumed, three-fourths of which was imported. And it may further be remarked, on this point, that the depreciation in the price of iron in Russia and Sweden, within two years, has equalled nearly the present duty. And should our friendly relations cease with Russia, the leading member of the Holy Alliance, we should need from our enemy that important staple, iron, without which, we should be far from independence.

In addition to the facilities of importing British goods, the opportunity afforded the British manufacturer of sending his goods immediately to auction, with little or no comparative expense, will continue to discourage the fair merchant and manufacturer, who, while they vend their articles, are obliged to pay rent, taxes, and furnish their proportion for national support and defence. It cannot be concealed, that the British have regarded our commerce and manufactures with a jealous eye, and will adopt every measure to depress our manufactures while they crowd on us their fabrics. Already does the Cabinet of St. James contemplate further patronage, by allowing a drawback of twelve per cent. on foreign wool. Should this measure be adopted, our Government must extend still further encouragement by increasing the tariff, or our manufactures must inevitably fall; and the political axiom should be engraven on the heart of every statesman, that, while England and France are our friends in peace, they are our rivals in trade.

Your memorialists, therefore, pray that Congress would revise and increase the tariff, by such additional duty on woollens, fine cottons, and iron, and such duty on auction sales, as will encourage the manufacturer, and protect him from the greatest evil—the arts and designs of rivals abroad.

DAN'L BURROWS, *Chairman.*

Attest: HENRY L. ELLSWORTH, *Secretary.*

MEMORIAL

Of sundry merchants, manufacturers, &c., of Baltimore.—January 19, 1824.

To the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the subscribers, merchants, manufacturers, mechanics, and property-holders of the city of Baltimore, respectfully showeth:

That they, in common with their fellow citizens of the other commercial cities of the Union, being seriously affected by the extensive evils which have resulted, and which are still augmenting, from the change that has taken place in the prosecution of trade, from a regular system, under which its advantages were generally divided, to the management of it through extensive public auctions, whereby its profits are monopolized by a few; and relying upon the wisdom of the National Legislature to protect and foster the soundness of our institutions, beg leave to present for consideration some of the leading facts connected with this important subject, and to petition that such a tax may be imposed as will place the trade carried on through the medium of public auctions, and that which is prosecuted in a regular way, on an equal footing.

Your memorialists with confidence represent, that of all the public and private sales of manufactured goods made by auctioneers in the city of Baltimore, it is believed that full three-fourths of the amount is on foreign account.

From this fact alone, and considering that nearly all foreign business is done through them, clear of the usual expenses of a commercial establishment, your memorialists conceive it to be rendered evident, that they are the means of transferring from the resident merchants to foreigners, the superior advantages of a market, which is created and kept up by the concentration of our citizens, at a great expense, without contributing, in any material degree, to support the public burdens, or to maintain the market, by keeping the citizens and capital together, which constitute it. If the entire trade of one of our large commercial cities were forced through one great auction establishment, the consequences would be still more seriously felt; so your memorialists apprehend, in proportion as the trade verges into, and becomes imbodied, and monopolized by a few, as it now is under the auction system, that the profits and emoluments of it, which are now carried off by the owners of foreign merchandise, residing abroad, will be rendered less beneficial to all other parts of the community.

If it be true that a division of capital, extending from a few to the many, increases the productiveness of it, it must be equally correct that the division of business and its emoluments operates in the same way, and with equal benefit. In some of the commercial cities, your memorialists beg leave to notice, that the auction business exists under the patronage of the State authority, and the number of auctioneers is limited entirely by the pleasure of it. From the heavy current of business which this eminent advantage secures to them, they are raised above the rivalship of other merchants in effecting also extensive private sales.

The whole expenses of resident merchants, together with all their surplus profits, being retained in the same community, contribute in return, and in a very considerable degree, to support the artists and laboring classes of our towns and to furnish the agriculturists of our country with the means of supplying themselves with such articles of foreign and domestic manufactured goods as are essential to their convenience, each deriving some benefit from the services and the expenditure of the other, and thus a general improvement results from the labor of all. But under the auction system of trade, nothing is felt but the commission of the auctioneer, and in some cities a small corporation tax; whilst all the profits which arise from that heavy proportion of it, done on account of foreign houses, become withdrawn as soon as they are realized. This class of profits, it is known to practical men, has proved to be very extensive.

When the business of a foreign house, having all the advantage of the market, is done at so much less expense than that of a resident merchant, who sustains the very same market, it may reasonably be apprehended that the auction system will continue to encroach upon the regular trade, until it shall ultimately extinguish it; and thus put out of employment, or continue to render unemployed, a vast amount of property, and with it a considerable number of merchants, and persons of other pursuits.

Turning from the direct pecuniary considerations of the case, your memorialists would also beg leave to place under your view some of the immoral consequences which are produced by the auction system of trade. Under it, great irregularity and artificial excitements are produced on the market, which lead our trading community, more especially the junior class of merchants, whose soundness of principle it would appear to be the true policy to foster, from the sober calculations of integrity, predicated upon the cost and regular consuming demand for commodities, into rash adventure and habits of chance, which bear a greater affinity to gambling than to commerce or trade. The most artful generally overcome the more honest in the operations of scheme and hazard; and when, under a corresponding depression of market, which generally follows a previous excitement, the weaker class become oppressed or broken down, and the strong become injured, the auction system offers its ready aid, to lead into depravity those who might otherwise, by a timely arrangement with their creditors, at least have retained their reputations for honesty.

Merchants, who become a little embarrassed from a course of trade so confused, and who, under a hope of recovering their strength, are allured to purchase on credit from regular houses, convey the goods secretly to auction, and pledge them for money at a heavy usurious interest, to be thus absorbed by expenses, or forced off at a sacrifice, without the presence of a fair demand; and if a commercial friend is to be secured for his endorsements at bank, or for his endorsements for purchases at auction of merchandise frequently owned abroad, the regular resident trader is here again exposed to the hazard of being defrauded in this way, by the inclination of the purchaser to satisfy what may be a foreign debt, and the auction again lends its aid to carry on and cover the fraudulent operation.

These practices, when once begun, are frequently repeated; and, taken in connexion with the other destructive means of raising funds, convey more merchants to ruin, after the first stages of embarrassment, than all their losses on a regular trade; and exhibit, at one view, the principal cause why the commercial failures, in our large cities, are more frequent, more desperate, and involve more depravity, than in the country, where the operations of trading men do not admit of the same concealment. Thus, it appears, that the auction system derives a part of its sustenance from the victims of ruin produced by its own destructive operations.

Another great evil which your memorialists would urge, as growing out of this system, is the injury it occasions to the revenue. The American merchant, in making his purchases in Europe, is obliged to pay the manufacturer's profit, and, in many instances, the factor's profit; he must employ an agent, who charges a commission, and is subjected to various other expenses which the foreign manufacturer can avoid; upon all of which he pays a duty to Government: Whereas, there is too much reason to believe, that the foreign manufacturer does, in many instances, pass his fabrics through our custom houses at the net manufactured cost, and thus pays considerably less duty, than the resident importer pays on the same articles. By these means, he is actually enabled to vend his productions in the American markets, at less than the same goods could be imported by our own citizens, and yet secure a profit. The confidential and intimate connexion which exists between some of the auction establishments of this country and the manufacturers in Europe, facilitates these operations, and contributes, effectually, to drive the American merchant out of the market; while it also greatly affects the revenue of the United States, by reducing it much below what it would be, were the same goods imported by our own citizens. This course of business also throws the whole profits of the trade into the hands of foreigners residing abroad, to the great impoverishment of our own country, and increase of the balance against it.

Considering, therefore, as the auction system of business cannot, from its own nature, afford any peculiar profit or emolument, or any peculiar advantages to a trading community; but, on the contrary, that it must have a tendency to vitiate the commercial system, in various respects, by encouraging gambling in trade, and impairing the general benefit by its monopolizing effects; and that it does, as now conducted in the United States, most certainly transfer a great proportion of the advantages and profits of business from our resident merchants to foreigners; who, by withdrawing their profits, as soon as they are realized, leave an impression, to be felt on every other branch of interest in the community; and that the public revenue suffers materially, both in its amount and security; your memorialists respectfully pray your honorable bodies to impose a duty of ten per centum on sales by auction, excepting the effects of bankrupts, and deceased persons, goods sold for the benefit of underwriters, shipping, and real estate.

MEMORIAL

Of the farmers, manufacturers, mechanics, and merchants, of the county of Rensselaer, in the State of New York, praying for a revision of the Tariff.—January 26, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the farmers, manufacturers, mechanics, and merchants, of the county of Rensselaer, in the State of New York, respectfully showeth:

That the staple commodities of this district of country are, provisions, breadstuffs, wool, and flax; that the respective values of these commodities, in market, do not furnish a fair compensation to the producers; and, that the cause of this depression of prices is the limited demand, both at home and abroad, which, when duly supplied, leaves a great surplus on our hands. Now, if the labor of a country be the source of its wealth; and if that labor has been employed in producing a surplus which is without value, then has the country sustained an injury, by an unwise direction of its labor.

The great body of your memorialists are farmers. From the beginning of the separate, independent existence of this nation, until within a few years past, the condition of Europe was such, that the products of the land of this country found a ready market, and lucrative prices. During the long and wasting wars in that part of the world, the nations there had so large a portion of their population transformed from producers into consumers, that, after consuming the products of their own soil, they still required additional supplies, so extensive as to consume, also, the surplus products of American agriculture. The population of our country, moreover, was at that time thin; land was cheap; the augmenting numbers of the people found ample room, and easily spread over the surface of the territory; the new soil was fertile; little skill was requisite; and health, and robust habits, were nearly all the capital that was needed. The nation was, at the same time, neutral; and our merchants had full employment as carriers. In such a state of things, the labor of this country was profitably employed in two principal ways; and, in those two ways, that labor was sufficient to produce a degree of general prosperity never exceeded.

But that state of things has passed away. The general settlement of the affairs of Europe, by the peace of 1815, reconverted the nations there from consumers into producers.

The vast amount of labor disengaged from the operations of war, and directed to the cultivation of the land, together with the cheapness of that labor, and the skill with which it was directed, produced such an abundance of supply as to drive our productions out of their markets, and, in some instances, to follow them to our own shores. There is, therefore, at this time, and there has been for several years, an over-supply of the products of agriculture—they have glutted the markets of the world. This want of a foreign market has not been supplied at home; for our own producers have increased in a far greater ratio than our consumers; and the consequences have been, in this part of the country, a universal depression of prices, depreciation of the value of land, a sluggish circulation, general embarrassment, frequent sheriff's sales, and ruin. These ill consequences, though experienced most extensively by our farmers, have not been confined to them. They have been felt by the mechanics, the laborers, the merchants, and the professional men. Farmers could not afford to hire laborers, to produce what could not be sold; and neither could afford to buy of the merchant commodities for which he could not pay. The spirit of enterprise was checked. No new houses and barns, and no new implements of tillage, were wanted. There were already more than enough of these; for, nothing could be done with them, except to produce, and to shelter, what had lost its value. New lands, to a great degree, ceased to be cleared; new contracts ceased to be made; and, from this general inaction, the mechanic lost his wages, and the professional man his fees. Such is, and has for some time been, the general situation of these Northern and Eastern States.

Now, the mode of removing these burdensome effects, to your memorialists appears perfectly plain. The condition of things among us calls for the introduction, and permanent establishment, of new departments of labor, in order to complete the organization of the social state, and open to the career of an ingenious people new objects of enterprise; new subjects for the beneficial exercise of their faculties, and employment of their means. In short, a *manufacturing population* is needed. A portion of the community, now engaged in producing, or to be so engaged as time advances, must be converted, exclusively into fabricators and consumers, or the country will be overwhelmed with an enormous mass of surplus, which it cannot throw off, and become palsied from a stagnant circulation. Human industry is naturally distributed, with the advancement of society, into certain great departments of labor; and such distribution cannot be long prevented, without essentially retarding that advancement. The ultimate, permanent order of nature is, the productions of the earth, "all-bearing mother," first; next, the modification of those productions, in such forms as may best adapt them to use and enjoyment; and, last, mutual exchanges of all. Connected with these great departments of industry, and dependent upon them, are the mechanical and professional occupations. In this country, owing to circumstances in the situation of the world already suggested, we have hitherto disregarded this order; and, for a time, we found benefit in merely producing and exchanging. But the time has at last come—and it is indicated by the general cry for help, now rising from the great majority of those who are engaged in both these departments of industry—for the establishment of the other, completion of the machinery of society.

Your memorialists are aware that the main difficulties in the way of doing this are the prejudices, the habits of thinking and acting, which originated in the period of our history already referred to. The opinions then adopted, and which were then proper, have been reluctant to yield to the evidence that those times have forever passed away. But that evidence has now so accumulated that the most slow of faith begin to believe that a new distribution of the labor of the country must be made, or the prosperity of the country must be seriously impaired.

These truths are so plain—they have been forced upon your memorialists by such impressive experience—that your memorialists cannot but believe that your honorable body will listen, examine, and be convinced. This request of your memorialists is not the sinister prayer of a few individuals, nor of a small and distinct class, having only a petty stake in society; it is the united voice of the mass of the people, in all the callings of life; and it is occasioned by a community of embarrassment never known among us till the nations of Europe quitted war for work, and left us without a market.

A market, therefore, is our great want. How is this to be obtained? In the opinion of your memorialists, it is to be obtained only by such an increase of duties on the importations of those foreign fabrics of which the raw material is, or can be, easily and abundantly procured at home, as will encourage a diversion of a part of our own capital and labor to the manufacture of them. The old doctrine is, we are aware, that no nation is ready to manufacture until its population has so multiplied that there are more hands than lands. But this is fallacious. The true test of the fact whether a nation be ready to manufacture, is not drawn from the comparison of the number of its people with the quantity of its land, but from the comparison of its ability to produce with its opportunity to sell: or, in other words, the true test is, the relation of demand and supply. It may, indeed, happen, that, while there are fewer hands than lands, the cultivation of the latter will be the most beneficial appropriation of a nation's labor; but it may, also, be otherwise; so that the first mentioned comparison does not furnish the true criterion, and the example of our own country has now demonstrated both parts of this proposition. At first, our ability to supply was not as great as our opportunity to sell; and all that we could produce found a profitable market. Now, we cannot dispose of half that we can supply, and a general agricultural languor pervades the country. But to restore the country from this universal inanition, by the introduction of manufactures, requires the interposition of the Legislative power of the nation. This interposition is necessary, because, without protecting duties, the manufacturers of Europe, with their enormous capital and exquisite skill, can manufacture so economically as to defeat our infant attempts by their competition. They can, and do throw such quantities of their fabrics into our markets, and force them upon us at such low prices, that our smaller capitalists, with their less skilful artisans, cannot establish their factories, and save themselves from ruin. This competition can never be sustained without protecting duties in the outset, nor until experience and skill shall have introduced economy, and the business of manufacturing shall have become so extensive that small profits shall make large amounts; because, no prudent man will hazard his property, under existing circumstances, in a contest with those who can wield means so much more extensive. Even if our domestic attempts should be made, in the beginning, with some prospect of success, yet they would soon be borne down by the foreign manufacturers; for, such is the state of society in the great manufacturing countries of Europe, every department of industry is so crowded, so much capital is invested in each, and the obstacles to a different investment are so insurmountable ,that the manufacturer must continue to manufacture, at the most penurious prices, or go to ruin; for he cannot change his occupation, when every other department of labor is as much crowded as his own.

This state of things is necesssarily growing worse, because the ability to manufacture is increasing in Europe in a far greater ratio than the demand for consumption, in consequence of the improvement and multiplication of machinery. It is, therefore, the interest of those manufacturers to sell at the lowest possible rates, and force their goods off, for the purpose of preventing competition, in every direction, though, at the same time, they cannot consume the tithe of the products which are supplied. The consequences of this state of things are, poverty among the agricultural nations, and wealth and power among the manufacturing ones. If our manufacturers could be protected from this overbearing competition until they should have acquired experience and skill sufficient for economy, they could then sustain the competition from abroad; and the competition at home would fast reduce prices to their present general standard, or lower. It is urged, we know, by those who oppose our views, that it is unjust to raise prices upon the majority of the community, by diminishing competition, through the medium of protecting duties, or in any other way, for the benefit of a small class. But this objection is deceptive and unsound. In the first place, though apparently true in terms, it is, nevertheless, substantially false. The great body of your memorialists, as has already been stated, are farmers, and, though the immediate benefit of the permanent and effectual protection of manufactures would be felt by those who are engaged in manufacturing, yet the ultimate, and by far the most important benefit would be experienced by society at large; and it is precisely for the sake of the latter that we ask protection for the former. It is, moreover, a fact which cannot be questioned, that the low prices which at present form the great obstacle in the way of our domestic manufacturers are, in a great degree, caused by even the unskilful and hazardous attempts of those very manufacturers, with the present protection, to supply their countrymen; and we would seriously ask if they are not entitled to some consideration on that account? Take away this domestic attempt to manufacture; let foreign manufacturers know that there was no design in this country to engage in such business; and soon would the prices of imported goods rise to such a height as would be an ample remuneration to our manufacturers, if they could now receive them; because, the charges on foreign goods, for transportation, first of the raw material, then of the manufactured article, with a great variety of incidental charges, would be saved to our own manufacturers, and, consequently, to our consumers. But allow that prices would be raised; it would only be for a short time. Our artisans would soon acquire skill enough to reduce the expense of fabrication; and the adoption of those economical modes of conducting the business which experience would suggest, and to which domestic competition would urge our proprietors, would soon bring down prices; and the consumer would shortly be as cheaply supplied as he now is, with incalculable advantage of a permanent, steady, and increasing market open for his raw materials, his provisions, and his breadstuffs. Besides, if the prices paid to manufacturers were raised, so would be the prices paid to the farmers, and the mechanics, and all others; and high prices, both for buying and selling, are better than low prices, even if the same relative proportion obtains in the respective cases.

But, on this subject, we are not left merely to general reasoning, nor to the unsupported assertions of interested individuals. The experience of the country, in this respect, though not extensive, is perfectly decisive. In 1816, the minimum price, upon which duty should be charged, of a square yard of white cotton cloth, was fixed at twenty-five cents. The wholesome effects of this wise measure, which were, the investment of capital, the production of skill, and the excitement of competition in the manufacture, are too well known to need elucidation. Every man's experience has informed him that the coarse cottons now manufactured in this country, are both superior in quality, and inferior in price, to any similar article ever imported. The benefit of this result has been most extensively experienced by the grower of the raw material: for, while he has enlarged his market for his cotton, he has been able to procure a better and cheaper article for consumption. The extent of this benefit to the Southern cotton planter may be illustrated by the fact that, whereas, in 1810, there were purchased and wrought, in our Northern factories, only about three million pounds of raw cotton, there are now purchased, and manufactured, not far from thirty million pounds, or about one quarter of all the cotton produced in the country.

Now, confiding in experience as the great trier of truth, and impelled by the general depression of the agricultural, and, by necessary consequence, of all the other interests of the North, we ask, first, for an increase of duty on the importation of woollen fabrics.

All this northern section of the Union, especially the State of New York, is peculiarly well adapted, by nature, to the raising of sheep. Wool is a raw material that can here be supplied in abundance, and with ease; but there are none to buy it. We wish the establishment of woollen factories, so that we can convert some of our arable into pasture, and diminish the surplus of our breadstuffs and provisions; sell that diminished surplus for more than the whole original quantity would bring; and, by gradually raising up a body of consumers, in the shape of a manufacturing population, sell to those consumers an article that will bring us profit; that will furnish our countrymen, as well as ourselves, with cheaper and better clothing than they can now procure, and set all classes of society prosperously at work again. To do this, we respectfully ask the duty on imported woollen fabrics to be raised fifty per centum; and that a minimum price, on which duty shall be charged, be fixed at from eighty to a hundred and twenty cents for the square yard of woollen cloth. Upon similar principles, and relying upon experience for our guide, we also ask an increase of duty on imported iron. There are beds of iron ore, distributed in various parts of these Northern and Middle States, sufficiently extensive to supply all nations, and the ore is surpassed, in richness and quality, by none in the world. These ore-beds are found, for the most part, in hilly and mountainous regions, of little or no value for agricultural purposes, but abounding with fuel, and with water. Nature is waiting for us, the wants of the community are urging us, to appropriate these copious sources of wealth and strength to the public welfare. But here, again, as in the case of wool, foreign competition prevents the extension of those establishments, which would convert our vast bodies of ore, now wholly without value, into riches. Next to wool in importance, in this connexion, and in this part of the country, is iron. Besides its essential use as the great weapon of national defence, it is the great instrument of peaceful industry; and it is passing into use in many new forms. The improved ploughs, for example, are almost wholly made of iron; and this use of the metal has enhanced its importance to agriculture in an incalculable ratio. Though the first effect of protection in this case, as in others, would probably be an augmentation of the nominal price, yet the next and speedy effect would be, beyond a doubt, the reduction of that price to, at least, its present minimum amount, by the operation of competition and skill at home. Indeed, such is the abundance of our ore, and the natural facilities of the country for smelting and manufacturing it, that it would be reasonable to expect that an article, of which the transportation forms so large a part of its cost to the consumer, would soon be afforded, if manufactured at home, lower than foreign iron, and, at the same time, bring a lucrative compensation to the manufacturer. Besides its direct importance to agriculture, and to the various mechanical and household uses to which iron is appropriated, the increased production of it among us would essentially benefit the community, through the medium of the woollen and cotton factories. The iron machinery of such establishments constitutes a large part of their expense, by diminishing the amount of which, the fabrics therein made could, plainly, be afforded at cheaper rates to the consumer. On imported bar-iron, therefore, we ask an increase of duty of ten dollars per ton; and such additional duty upon other heavy articles manufactured of iron, as shall furnish an equally effectual protection to the manufacturer of them at home.

The article of tallow, too, is one in which our farmers have an extensive interest. The average importation of tallow, for the three years ending with 1822, was upwards of 4,000,000 pounds. This was equal to the tallow produced by somewhat more than 80,000 head of cattle, averaging fifty pounds of tallow each. Thus, in pursuance of the policy, which, under pretence of avoiding monopolies, of not conferring peculiar privileges on one class, of protecting agriculture rather than manufactures, the farmers of the United States, with lands beyond their utmost ability to till profitably, have been purchasing pasture and corn abroad, for more than 80,000 head of cattle, and then buying the tallow which all those cattle could produce. Is it wise thus to pay to foreign graziers the money which should go to our own farmers? or should we thus encourage foreign industry, when our own is suffering?

Having experienced the good effects of protecting duties in the manufacture of coarse cotton fabrics, your memorialists believe the time has arrived for some additional duty on foreign cottons, so as to encourage the manufacture, at home, of the finer fabrics of this material; and, for this purpose, we would suggest that the minimum price, on which duty shall be charged, be fixed at 33 cents for the square yard of cotton cloth. In this connexion, we would also observe, that the printing of cotton goods is becoming an object of importance to the country. The South American market is about to be open to us, and the printed cottons are most valuable in that market. It would, therefore, be wise, in the opinion of your memorialists, to encourage that branch of the business.

Before concluding this application to your honorable body, we would also observe, that, in addition to our conviction of the sound policy of granting further protection to our domestic industry, in the modes above recommended, your memorialists cannot but think we have a strong claim upon the equal justice of your honorable body. The protecting duties hitherto laid by Government, as far as they have been connected with agriculture, have chiefly aided the agriculture of the Southern States. That such aid has been extended to our Southern brethren is gratifying to us, as members of the same Confederacy; but, we think, at the same time, that it fairly authorizes the expectation that a similar paternal policy will be extended to the agriculture of the North.

BETHEL MATHER, *Chairman.*

GEO. M. TIBBITS, *Sec'ry.*

MEMORIAL

Of sundry inhabitants of Petersburg, in Virginia, upon the subject of the proposed tariff.—February 20, 1824.

At a meeting of the citizens of Petersburg, held at the Courthouse, on Friday, the 13th February, 1824, called by the Mayor, to receive the report of the committee to whom had been referred, at a previous meeting, a letter from the Chamber of Commerce of New York, on the subject of the proposed tariff of duties at present under the consideration of Congress, John H. Brown, Mayor, in the chair, and Edward Pescud secretary—

Doctor Thomas Robinson, from said committee, presented the following memorial, which, after being read, was unanimously agreed to, and copies ordered to be transmitted to the Representatives from this district, as well as to each of the Senators and Representatives from Virginia in the Congress of the United States; and likewise to the Chamber of Commerce of the City of New York, and other principal cities of the Union:

Your memorialists, the merchants of Petersburg, Virginia, obtrude their sentiments on your honorable House a second time with reluctance, on the subject of the tariff duties; but the persevering selfishness of our manufacturing associations, demanding nothing less than the annihilation of the mercantile and agricultural interests of the nation, to promote their own schemes of rapid aggrandizement, leave us no other alternative than either to appeal to the wisdom of our representatives, or appear, by our silence, to acquiesce in a measure of the most ruinous tendency; for such we conceive the bill for the alteration of the tariff duties, now before your honorable body, to be. The ablest statesmen, both theoretical and practical, of the commercial nations of Europe, have acknowledged, nay demonstrated, that every interference of government to direct or regulate the employment of private capital or enterprise, has been attended with mischief. They deplore the evils in which those nations have been involved by pursuing a system of bounties, monopolies, and protecting duties, and are endeavoring to retrace their steps at the very moment our legislators are invited to involve themselves in the same labyrinth. But we do not object to the projected tariff merely on this general, though strong ground, the experience of other nations. We object, first, that the Congress of the United States did not, with the power of regulating, receive from our Constitution also the power of annihilating foreign commerce; such as is evidently the tendency, and such as, of course, we believe to be the intent of the bill in question. We believe that the power of regulating foreign commerce was conceded for a different purpose, to wit, principally with a view to prevent the evils apprehended from a collision of interests among the independent sovereignties of which our Republic is composed, and also to supply a revenue for the support of the General Government, without the necessity of resorting to internal taxation. Retaliation, in certain cases, might have been thought of, but that any further restrictions, save such as might secure us the necessary munitions of war, were contemplated by the framers of our Constitution, we utterly disbelieve; and against the exercise of implied powers we solemnly protest. Nor can we see how the projected alterations of the tariff can be supported under the clause of the Constitution granting powers for regulating commerce, seeing that the bill is avowedly introduced for an object entirely distinct from the regulation of commerce, to wit, the establishment of manufacturing monopolies. We can scarcely doubt that the nations of Europe, who have hitherto been accustomed to receive our raw materials, will retaliate by encouraging the productions of other countries, to the exclusion of ours. The effect of such re-action would be fatal both to the mercantile and agricultural interests. That those nations will consent to send back our ships ballasted with dollars, few will be so visionary as to expect. Without reciprocity, commerce cannot exist, and therefore it is, that we consider the annihilation of foreign commerce as a necessary consequence of the projected alteration of the tariff. Secondly: The tariff, as it now stands, bears very unequally on different sections of our extensive country; and this inequality will be still more sensibly felt if the proposed alterations are adopted. It is always unjust and impolitic to tax the many for the emolument of the few; but it seems peculiarly dangerous, in a confederation like ours, to introduce the seeds of jealousy and discord among our independent States, by declaring one section tributary to another. This has already been partially effected, and will be completed by the passage of the bill in question. That the tax on every article is ultimately paid by the consumer, is universally understood, as well as that the great bulk of the consumers, particularly in this country, are agriculturists, on whom, of course, the principal weight falls; but, while the agricultural interest is thus generally taxed, the Southern agriculturists are to be particularly burdened by the enormous weight thrown on those coarse fabrics which constitute the clothing of our negroes. In return for this we are promised a Northern market for our produce. Will any one believe that the Northern manufacturers, who at present do not consume more than from 60,000 to 80,000 bales of cotton annually, will take off our hands, at the European prices, 600,000 bales? Or will he believe that the appetite of a ploughman, on turning weaver, will be so much improved that the surplus grain we have hitherto been accustomed to export to Europe, will be consumed at home? Thirdly: We believe that our manufacturers are most extravagantly protected already. In England it is calculated that every manufacturer pays two days' labor in the week to his Government. This is at once a bounty of 33⅓ per cent. in favor of the American competitor. Add to this, freight, insurance, commissions, and the various other charges incident to transporting the commodities of one country to another, and you exhibit an aggregate sufficient to protect men who could be satisfied with moderate gains; but when we proceed to add to this the present heavy tariff duties, the protection is so enormous that we are surprised to find an individual so shameless as to ask for more.

The scheme of increasing national wealth by keeping our money at home is scarcely worthy of serious notice. Money is not wealth, but the mere representative of it. The farmer purchases every necessary with the produce of his land and labor. We would, therefore, respectfully suggest to your honorable body the policy of permitting him to send his produce to that market where he can obtain the highest price, and to purchase whatever necessaries he may require, wherever he can obtain them on the cheapest terms. If the wealth of an individual is measured by the quantity of necessaries and luxuries he can command, we have no doubt the wealth of every individual would be increased by this policy; and as national is but the aggregate of individual wealth, the national wealth would certainly be increased in the same ratio. We need not remark how congenial such a policy would be both to the letter and spirit of our Constitution, nor how adverse to both the project of compelling so large a portion of our citizens to abandon those pursuits for which education and experience have best qualified them, and annihilating by a single act a great part of the capital vested under the faith of former acts, and guarantied by the letter of that Constitution now wrested to destroy it.

We find no powers, either expressed or implied, granted to Congress by our Constitution, to foster manufactures by ruining commerce and agriculture; and be it remembered that the project now before you is not a commercial regulation, but a manufacturing scheme. We find, however, that unequal taxation is expressly interdicted by the Constitution; and we unhesitatingly affirm that this interdict, so essential to the enjoyment of equal rights, and to the permanent duration of our Union, would be as directly violated by the projected alteration of the tariff, as by a law declaring, in plain language, that the States south of the Potomac should be annually taxed to the amount of six millions of dollars, to be distributed among the cities north of that river; and that the merchants universally should pay ten per centum on their capitals for the same purpose. With this view of the subject, your memorialists respectfully and earnestly pray that their Representatives will guard their interests and their liberties from the ruinous effects of the bill for the alteration of the tariff duties now before your honorable House—a measure pregnant with the most fearful consequences, being as incompatible with the principles of justice as it is with the spirit and letter of our Constitution.

JOHN H. BROWN, *Chairman.*

MEMORIAL

Of the Chamber of Commerce of the City of Philadelphia.—February 26, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Chamber of Commerce of the city of Philadelphia respectfully showeth:

That your memorialists, on behalf of the commercial community which they represent, beg leave to interpose their respectful remonstrance against a bill now pending in the House of Representatives, entitled "a bill to amend the several acts for imposing duties on imports."

The well known object of that bill—to stimulate the manufactures of the United States—and its tendency, in the judgment of a large portion of this people, to depress the agriculture and commerce of the country, form the inducements of your memorialists for asking the attention of Congress.

In a free country like the United States, all branches of lawful industry have a right to equal protection by the laws; there can be no inequality without favoritism, and no favoritism, without injustice. The Constitution of the Government having placed all the people on the same plane, its principles cease to operate, when the law elevates one portion, or depresses another; and whether the equality of the citizens be disturbed by distinctions of persons, or of property, is a matter of indifference.

That which might be a venial departure from those principles, in a small community, where the whole would sympathize with the prosperity of any considerable part, becomes otherwise in a confederation like this, whose members are large States, removed to a great distance from each other; destined, by nature, to different employments; incapable, under any legislation, of changing them; and subject, under a perverted legislation, to the extremity of distress in one State, while another is smiling in prosperity. In such a country, bounties to particular labor, are bounties to particular States, which other States pay, without partaking of the benefit. The design of the Constitution, and the obligation of Congress, being to provide for the common defence, and general welfare of the United States, and the duty of uniformity, in the laws of the Union, being emphatically and repeatedly enjoined in that compact, your memorialists have no doubt that Congress will never lose sight of it; and as little that they will perceive the destruction of all practical uniformity, even by a general law, if it be made partial, by the situation, the character, and the employment, of large portions of the country.

The universal opinion of well informed men, has now established it as a general rule, that the greatest degree of national wealth is to be obtained, by leaving every one to the unfettered use of his own labor, skill, and capital; for it is in this way that individuals, of whom nations are composed, attain to the greatest prosperity. Obvious, however, as this general truth now is, it has been long in coming to light; legislation has had its dark ages, as well as letters; and certainly they have continued longer to envelop the principles of national wealth, than they did to obscure the laws of science, or the beauties of literature. It is to be hoped that the dawn, which has tardily broken upon the world, in the department of trade, is not to be immediately overcast; and, particularly, that the clouds which are again to darken it, are not to proceed from a quarter where every thing else, in regard to government, lies in the broadest light. If legislation acts upon the subject of trade, which, after all, is more safely left to the law of man's nature, by which he is incessantly stimulated to do the best for himself, and therefore for his country, it should act for the removal of impediments and restrictions, not for the creation of them; so much more unerring, however, is this law of man's nature, than any political regulation, that it has been deemed the wisest course to abstain from public enactments altogether, and to leave the Hive to the industry and instinct of its laborers, without attempting to direct which cell shall be first filled, or to narrow the passage to one, or enlarge it to another, more than the wisdom of the laborers shall each for himself provide.

Whatever interference with the general freedom of trade is necessary for the purposes of revenue, and still further, whatever provisions have justly for their object to sustain the Government itself, by enabling it to withstand the shock of war, and with this view to promote, within its own bosom, the necessary resources for such a trial, all communities of men must submit to, and will submit to cheerfully. Laws enacted for these purposes, are necessary exceptions to the general rule—not exceptions to its truth, for it is true without exception—but exceptions to its application; they are the price which nations pay for their existence, as such; they tend to diminish the production of wealth, but they do what, in every condition of the world, has been found as useful as to produce, namely, to secure the product. But, beyond this, the danger of legislative interference with trade, becomes extreme. Be the wisdom, and impartiality, and foresight, of the legislature, what they may, they are at no time, and under no circumstances, perfectly adequate to the task. The subject is beyond the scope of human intelligence, except when it is individually and personally applied to that limited space within which the individual moves; and, in this particular, trade differs little from the thousand other interests of the great family, which it is the ordinance of Heaven should be wrought out by the separate wisdom and exertions of its members; with scarce a consciousness how the work is produced, and with an utter inability on their parts to contrive the result beforehand.

The practice of no foreign nation leads, as your memorialists submit, to a different conclusion. England has grown rich, in spite of her restrictions upon trade, and not by means of them: her wisest statesmen are desirous of removing them, and can trace with unerring certainty to their operation, a large part of the oppression under which the fundamental interest of that nation languishes, and is doomed to languish. But the fetters have entered into her flesh, and they cannot be removed without tearing away the flesh with them. Does the history of England, with the light of the present day, furnish an argument to the United States for embarking in the same career of bounties, prohibitions, and excises? England is the great example of their mischief. She is emphatically the example of all that individual skill, enterprise, and intelligence, can achieve for the production of wealth, and of all that perverted legislation can do to make it fruitless of national happiness. Her wisdom has perhaps been developed too late for her own good; it may possibly be not too late for us.

It is, therefore, the sentiment of your memorialists, which they beg leave respectfully to press upon Congress, that, beyond the limits of a fair resort to trade for the purposes of revenue, and the case of public necessity, or high public exigency, to prepare the country for the event of war, restrictive legislation upon trade, whether it be in the shape of prohibitions of one branch, or bounties to another, are eminently dangerous; and, to a community as extensive and diversified as this, severely unequal.

In submitting to Congress their remarks upon the bill in question, your memorialists will not touch upon the controversy—upon which more has been written than has been understood—concerning the comparative value of the application of capital in different ways. The wealth of a nation is the combined result of its application in every way in which private interest is promoted by applying it. They are sincere well-wishers to the manufactures of this country. They will always be happy to see them prosper, under that due prosecution of them, to which individual skill and capital, in the present state of the law, are perfectly competent. If they are not desirous of seeing them suddenly enlarged by the aid of the new tariff, it is, in part, because the benefit to the manufacturers themselves is by no means so necessary a consequence as is supposed; but it is principally, no doubt, because your memorialists are of opinion that such a tariff is not wanted for the purposes of revenue, nor for the existing manufactures of the country, and, above all, because its influence will be pernicious to the commerce and to the agriculture of the nation, both of which are entitled to the equal protection of Congress.

It is not wanted for the purposes of revenue. This is almost the only undisputed point among the various topics which are connected with the bill. It is frankly conceded by its friends, that, if passed into a law, it must diminish the revenue derived from imposts, and that, from some other quarter, the Government must make up the loss. So far, therefore, its opponents go upon conceded ground; and almost the only ground on which legislation, in regard to trade, is safe, is thus given up. Your honorable bodies will then be pledged, by the enactment of this law, to resort to that mode of raising revenue to which this people have been uniformly opposed, and to which they may be more justly opposed hereafter than heretofore. If the extent of duty prescribed by the tariff be essential to protect the manufacturer, and an excise be laid upon the manufacture equal to the duty which is lost, it seems to follow, necessarily, that the consumer must hereafter pay both the duty and the excise, one of which will remain in the pocket of the manufacturer, and the other, after an infinity of deductions for collection, reach the public Treasury.

The tariff is not wanted for the existing manufactures of the country. Under laws which, from time to time, have been passed for their aid, all of them operating, nevertheless, as restrictions upon commerce, and a tax upon the cultivator and consumer, they have prospered, and now prosper. How little they partake of the evils under which the commerce and agriculture of the country now suffer, need not be remarked. It is at present the most flourishing branch of American industry. If there are exceptions, they are the consequence of the bounty heretofore given by law, which has tempted into the business persons who have not the capital, nor the skill, nor the economy, to pursue the business with profit. Something more than public bounty is necessary to the gainful prosecution of trade of any kind. Habits of close attention to business; skill in the application of all the known processes; genius in the invention of newer ones less costly, or more efficient; vigilance in detecting and providing for the wants and caprices of the consumer; and, above all, frugality in expenditure; these are indispensable to thrift in any trade; and how much they melt away under the sunshine of legislative favor, or, rather, how often this sunshine warms into temporary animation those to whom it cannot give vigor for the constant struggles of trade, let those say who have watched the operation of bounty laws in Europe. If the existing bounty be not sufficient to protect American manufactures, what amount will do it? They are already encouraged by a duty on cotton goods of 25 per cent., with a minimum estimate for the basis of the duty of 25 cents per square yard, which, on cotton goods, similar to those manufactured in this country, amounts from 35 to 70 per cent. on the cost; of 25 per cent. on cotton twist; of 20 per cent. on cutlery and hardware; of 30 per cent. on cut glass; 20 per cent. on plain glass; and upwards of 20 per cent. on window glass; of $15 per ton on Russia and Swedish iron, in bars and bolts; of $30 per ton on rolled bars and bolts; and of $50 per ton on hoop, sheet, and rod iron; of 20 per cent. on spades and shovels; of 30 per cent. on paper-hangings; of 25 per cent. on woollen goods, and of 30 per cent. on manufactures of leather; besides all the advantage arising from the charges on the foreign articles, from inland carriage, shipping expenses, freight, insurance, and exchange; amounting, in the article of Swedish iron, to about 75 per cent. of its cost at the mines.

The perfectly well known prosperity of some of the manufacturing establishments of this country, is, however, a better argument than any derived from the amount of duty and charges on the foreign fabric; for if, to refer to one case alone, a joint stock company in the vicinity of Boston, is, and for some time past has been able to make a dividend of annual profits, exceeding twice or three times the ordinary interest of money, maintaining and improving its capital at the same time, where is the necessity for further aid? Do others want their skill? Then it is skill that is wanted, and not public bounty. Are others deficient in their vigilance, their economy, their activity? Let these be acquired, and they will abundantly supply the place of a new tariff. Is capital wanting? How does this square with the allegation, that capital is lying dead to an immense amount, because it cannot be employed? What is done so regularly by one manufacturer, may be done, with similar means, by more; and the means are not to be given by the law, but by the manufacturer.

The influence of the tariff will be pernicious to the commerce of the country. This branch of industry has confessedly suffered more than any other by the events of recent years; it has borne its disasters patiently; they have been the inevitable consequence of events, which, although caused by man, man has neither, by action nor legislation, been able to prevent, and scarcely to mitigate. It is just now creeping again into life; and what is to be the effects of the new tariff? The effect is morally certain; so much so, as almost to infer the intention in those who promote the cause: it is to paralyze and deaden, by one blow, that portion of the commercial capital of this country, which is employed in the purchase, importation, and distribution of all that the new tariff shall exclude from the country; the ships which are built and navigated for its carriage—the numerous artisans who are employed in their equipment—the seamen who man them, and the fixed capital invested in wharves, warehouses, and other property, created as facilities to trade. Your honorable bodies will not look for a detail of these effects, in a memorial; it has already been given the public in various forms, and shown to be of immense magnitude; no cure, no alleviation, is suggested for this; one arm of the nation will either be cut off, or maimed forever, under the vain expectation of promoting a better circulation in the other.

But, above all, will the influence of the new tariff be prejudicial to the interest of the agricultural States. This interest is one with which your memorialists may be thought to have no intimate concern, since their personal relations are exclusively with commerce; but, the wealth, the harmony, the duration of this great Republic, are interesting to all its citizens: and they who wish, as your memorialists do, that it may be perpetual, must wish to see it administered upon principles of impartial justice to all, by which alone its perpetuity can be secured. What will be the effect of a prohibition of foreign merchandise, as extensive as that now to be effected, but an immediate reduction in value of the labor and capital of the cultivator, to the whole extent of the increased price that he must give for the American manufacture? The evil to him is without compensation; the value of his crops he loses, precisely to the extent in which the manufacturer gains; he has no means of warding off, or breaking the blow. His capital is unconvertible—it is fixed forever in the one employment of agriculture. He cannot participate in the golden harvest of manufactures, if it is to be a golden harvest. His habits, his situation, his working hands, are all unfit for the loom and the spindle. He has heretofore sold for as much as he could, and bought for as little as he could, and at such markets as he pleased, in the enjoyment of that liberty which was the great end of the Constitution. He is hereafter to buy in one market only, at such prices as a market without foreign competition will charge: and he may sell as he can, when foreign nations shall act upon the principle of taking no more from us, than we do from them.

Your memorialists have found themselves unable to assent to the reasoning by which these evils of the nonimportation system are obviated. They cannot conceive that it is for the interest of this community to give more for an American fabric, than for one that is made abroad; to pay a higher price for labor here, than they can purchase it for elsewhere. They cannot believe that the effect of the tariff is to raise the price only for a short time, and then to bring it down forever below its former range. There is no experience to justify the assertion. The reduction of low-priced cotton, since the last tariff, is well explained by other circumstances—the fall of the raw material, the diminution of the price of labor, improvements in machinery, stagnation of trade. And are not the manufacturers asking, by this very bill, for an increase of duty on the cottons, with which it is said they can compete with Great Britain in a foreign market! The history of our duty laws, since the adoption of the Constitution, shows that the aid of the tariff has been constantly asked by the manufacturers, and never given back. The duty on cotton goods, which, in 1790, was five per cent., in 1798 and 1800 became 12½; in 1804, by the Mediterranean duty, 15; in 1816 and 1818, after the war duties were at an end, 25 per cent. with a minimum valuation of 25 cents the square yard; and now, the proposition is to impose a duty of 25 per cent. with a minimum valuation of 35 cents the square yard. Certainly this has not the appearance of a temporary arrangement, to give American manufactures the opportunity for development. When have the manufacturers, here or in England, been contented, or able to part with a bounty which the law has once given them?

Your memorialists are also unable to comprehend how the country is to be benefited by enticing into manufactures that capital which it is said now lies unemployed. What difference is it to the country, whether the capital lies unemployed, or its employment is paid for by an additional charge upon the consumer? If it is unemployed, the capitalist bears the loss: if it is employed in manufactures, which are sold at an enhanced price, the consumer bears the loss. In the one case, the capitalist loses his interest; in the other, the consumer pays it, by paying just so much more than he would have paid if the capital had been unemployed, and he had purchased at a foreign market. The country is in no respect a gainer by the employment. It is not intended by your memorialists to say that there is not much unemployed capital in the country. Much of it, however, is of a kind that cannot be converted into manufactures, and that part which can, can only be converted by that slow and healthful absorption which is made from day to day, in a system that is left to the care of nature.

But, if manufactures are to attract to themselves the capital which now lies unemployed, your memorialists would ask what is to be the fate of that capital now employed in commerce, and which the tariff is to displace? It certainly is not within the contemplated effects of the tariff to increase the consumption of manufactures by increasing their price. The quantity will, at all events, be no greater than heretofore; and, if this shall be the case, what the new manufactures take up, the present commerce must give out, with this advantage, that much of what it gives out must be lost, because it cannot be converted into any thing else.

So plain are these consequences, in the apprehension of your memorialists, that they cannot but presume they are in the contemplation of those who espouse the new tariff, and that it is intended, by this portentous bill, to change the relations of the United States with the whole world; to compel her to manufacture all she consumes; to depend for nothing upon a foreign country, which it is physically possible for her to make, and to withdraw her sanction from those mutual relations of dependence and exchange, upon which the refinement and the happiness of the world have been heretofore supposed to depend. If this shall be the work of the nation, acting without the control or guidance of the law, it may then be inferred to be the best thing for the nation; but, under the control of the law, your memorialists confidently believe that this effect will never be produced.

They cannot believe that commerce and agriculture are to sink into insignificance, and that manufactures, like Aaron's rod, are to swallow them both up.

If this unsocial independence is to become the idol of the United States, it is worthy of consideration how far foreign Powers, and particularly Great Britain, may think it expedient to practice upon the same principle. If we take nothing from her, she may take nothing from us. She will certainly take nothing from us if she can obtain the same thing from her own colonies, or from a friend that will, at the same time, become a customer. If the cottons of the United States average half a million of bags annually, beyond the domestic consumption, bringing to the cultivator upwards of twenty millions of dollars, at low prices; if not more than fifty thousand bales are returned upon us in manufactured goods, from all the world; if our tobacco amounts to nearly one hundred thousand hogsheads, beyond domestic consumption, producing to the grower eight or nine millions of dollars; if the returns for these values, now made in foreign fabrics, are not to come hereafter in that shape, the United States must prepare not to see them come at all.—They must prepare to see the East Indies, the Black Sea, every quarter of the habitable globe, stimulated by bounty to itself, and by restriction upon us, to take our place in the markets of Europe, and to leave these commodities upon our hands; to leave in our docks, to perish, the two hundred thousand tons of shipping employed in their carriage; to lose the six or seven millions of dollars of freight which they earn; to turn over to beggary the ten thousand seamen employed in their navigation; and the ship-builders, boat-builders, blacksmiths, sailmakers, ropemakers, riggers, caulkers, joiners, and other artisans, employed in their construction. This day of downfall to the United States your memorialists do not anticipate; but it is because they do not anticipate the success of that policy which seems to lie at the foundation of the new tariff.

At the conclusion of these evils, your memorialists do not hesitate to mention the moral effect of the proposed tariff, as not being among the least of its disastrous tendencies to this community. It is unquestionably true, that so wisely, for the most part, have the Legislature of the Union proportioned the duties of the ability of fair trade, that in no nation upon earth is there less evasion of the law by smuggling. Yet, a coast and country better adapted for it are not to be found; and effectually to prevent it would require the supervision of a line of frontier amounting to more than three thousand miles. Man is, unhappily, such as circumstances make him; and there is a bounty under which crimes will flourish, as well as manufactures. Far less than the duties of the proposed tariff would, it is apprehended, give a munificent reward to the smuggler. Spain was, and is, a country of prohibitions, of restrictive duties, and monopolies. According to Bourgoanne, the Government lost, by smuggling, seventy per cent. of its imposts; and, notwithstanding the immense numbers employed to guard the revenue, a single neighboring nation carried on a contraband trade with that country to the enormous value of twenty millions of piastres annually.

In the late war between the United States and Great Britain, short as it was, and with but little time for the preparations which unlawful trade requires, even more than lawful, the introduction of contraband goods, from the Canada frontier, was open, notorious, and daring, notwithstanding it united almost the guilt of treason with that of smuggling. Your honorable bodies cannot but know how dangerous it is to enlist even a prejudice, if it be a general one, in favor of a violation of law; and how vain it is to legislate against the habits, the interests, and particularly the passions, of a large body of people.

Your memorialists cannot conclude, without submitting to Congress, that some of the provisions of the bill referred to, seem as if directly aimed at the existence of foreign commerce, by striking at its most important element—that of ship-building—as it raises the duty on foreign hemp from thirty dollars per ton, to two cents per pound; and, consequently, the increased price of cordage will fall on the builder of ships, without a collateral advantage to any one. These charges, with the duties on duck, iron, chain cables, and ship-chandlery. are estimated to enhance the cost of building a ship of three hundred tons, from the sum of six hundred to one thousand dollars. The *real* effect of many of the provisions of the bill is, moreover, different from the *apparent* one; many calculations have been made to show this. Duties on woollen and cotton goods, which are nominally thirty and twenty-five per cent. extend from those duties to upwards of one hundred per cent.; and the cheaper the article is abroad, the heavier is the duty. The operation of the law must, consequently, fall with most severity on the poorer classes, who will pay a duty of from thirty to one hundred per cent., and more, on their coarse cottons and woollens, while the rich will pay the uniform duty of twenty-five and thirty per cent. on their finest cotton fabrics and broadcloths.

To the principle of the law your memorialists are, however, more opposed, than to its details. It seems to them to be a political theory, under the name of a duty bill; and that a theory, which both argument and experience have exploded—the theory, that Government knows better than an individual what is good for him, and can better employ his skill, his labor, and his capital; that it is wiser, and more economical, to buy dear of our own people, than cheap of foreigners; and that it is competent, in these times, for a nation to grow wealthy and happy, with her gates opening outwards to sell every thing, but to buy nothing.

Your memorialists, therefore, respectfully pray that Congress will not pass the tariff bill into a law.

By order of the Chamber,
ROB'T RALSTON, *Pres't.*
Attest:
JOHN VAUGHAN, *Sec'ry.*
PHILADELPHIA, *February* 23, 1824.

REMONSTRANCE

Of the Chamber of Commerce of New Haven, against the Tariff Bill.—February 27, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Chamber of Commerce of New Haven, in the State of Connecticut, respectfully showeth:

That, being impressed with a deliberate and decided conviction that the bill, now pending before Congress, proposing a great increase of duties on foreign imports, if passed into a law, will be productive of consequences extremely injurious to the best interests of the community, your memorialists cannot but view the manner in which this measure is pressed upon the attention of Congress with much surprise and regret.

Notwithstanding the great show of petitions from particular districts, and the excitement raised by the great efforts of some ardent individuals, we are fully persuaded that a large majority of the citizens of the United States is decidedly opposed to an increase of duties on foreign imports.

Your memorialists are sincere advocates for the encouragement, protection, and support, of our own domestic manufactures. At the same time, we believe that the body politic, in order to be sound and healthy, must possess all its members in full vigor; that agriculture and manufactures cannot say to commerce: "we have no need of thee in disposing of our products;" and that nothing can be more inconsistent than for commerce to claim an existence independent of agriculture and manufactures. We believe that the interest of neither of these can flourish, in this country, without the aid of the other two; that these three great sources of the wealth of nations must grow up together, and with the growth of the nation. The oak which constitutes a ship's keel, derived its existence from an acorn; and no substitute can be found for the *time* that necessarily elapsed between its first germination and the period of its maturity. So it is in relation to manufactures. A portion of time, equal to the lapse of several generations, is inseparable for their general, successful, and parmanent establishment, in any country. No regulations of Government; no amount of capital employed can obviate the necessity of its being a work of progression. Any attempt to build up manufactures, suddenly, must fail; and, although the attempt may subject the whole community to much embarrassment and inconvenience, there is no class of citizens that will suffer so severely, by such failure, as the manufacturers themselves.

But, waiving the many, and, as we believe, unanswerable objections, to the principle of the bill, your memorialists beg leave, respectfully, to state, that, in their view, the high specific duties proposed to be laid on some articles, will operate unequally, and therefore unjustly. Among these may be mentioned the proposed specific duty, amounting to more than forty per cent., on bar iron, an article on which we consider the duty, already imposed, to be altogether too high, and one which we believe produces a positive injury to agriculture, commerce, and manufactures.

About thirty thousand tons of bar iron are annually imported into the United States. A large proportion of this iron is used and consumed in the Northern States, including New England and the State of New York. The agriculture of this section of the country demands a large and constant supply of iron. At least ten times as much iron is made use of in cultivating a given quantity of land in New England, as is used in the cultivation of the same quantity of land in the Southern Atlantic States. The implements of the Northern farmer are chiefly of domestic manufacture, but are, to a great extent, made of foreign iron, and must, of necessity, continue to be made of foreign iron, even if the proposed duty should be laid, the iron from Russia and Sweden being better adapted to this purpose than that which is made in this country. The Middle States manufacture iron for themselves, and some for the States to the South.

The tiring and ironing of carts, wagons, ploughs, and harrows, of the Northern farmer, his chains, hoes, shovels, spades, scythes, &c., are made mostly of foreign iron. He cannot move in Winter, and no considerable distance in Summer, unless his horses and oxen are shod with iron, and corked with steel. The quantity of foreign iron used in the single item of shoeing horses and oxen, in this section of the country, is not inconsiderable. Is it not, then, unequal and unjust, that the Northern farmer should pay such an enormous tax on iron, which is to him an article of first necessity.

Much of the foreign iron, imported into the United States, is used in the construction of machinery, and in the manufacture of nails. Bar iron is emphatically a raw material to almost every other manufacturer, except the maker of bar iron. Iron and steel are the chief materials used in all manufactures of hardware, and in fabricating the implements used in all mechanical employments. These metals are principally used, and are, incomparably, more expensive than all other materials which are made use of in erecting the machinery employed in manufacturing cotton and woollen goods. In short, almost all tools, and a great proportion of all machinery, are made of these metals. Encourage other manufactures, by affording to every part of the country the greatest facility in obtaining bar iron, and you will create a demand for bar iron; but discourage other manufactures, by making bar iron scarce and dear, and you will, in a great degree, destroy the demand for bar iron itself.

A very considerable portion of the foreign iron brought into this country is used in ship-building. If such duties are imposed on iron and hemp, as will cause these articles to cost nearly twice as much in this country as they cost in other countries, how is the American merchant to compete with the merchants of other countries, in building and navigating ships, the former discriminating duty on foreign tonnage being almost entirely abolished?

In answer to all this, the wealthy proprietors of the iron mines in the interior of Pennsylvania will reply, and say—indeed, they have already said—"Let the New England people come to us for iron to shoe their horses, build their ships, and carry on their manufactures. We own ore enough to make a sufficiency of iron to supply all America, and it is a shame that it should lie dormant. We want an income from it. We will sell them as much ore for fifteen or twenty dollars as will make a ton of iron, provided they will come and dig it out of the earth and refine it. Let the Eastern people come here and make their iron, or employ somebody to do it. We have a fine productive soil, also, and can supply them with provisions while they are thus employed. In this way, a market will be created at home for our surplus produce, and we shall then be rich and independent. Then money will not be sent out of the country to purchase foreign iron, and encourage foreign manufactures." This the proprietor of the iron mines, in the interior of Pennsylvania calls "a plain practical view of things *as they should be*." In reply to which, your memorialists respectfully ask permission to present a concise view of things *as they are*.

In the first place, money, to any considerable amount, is not sent out of the country to purchase iron. Ships employed in the Russian trade take from the United States to different ports in Europe fish, rice, and the cheaper kinds of ardent spirits—such as New England rum, whiskey, &c. and bring back cargoes of hemp and iron. Thus the labor of the fisherman results in the production of the substantial article of bar iron; and, in this way, a given quantum of labor produces to the country a much larger quantity of iron than could be produced by the same quantum of labor, applied directly to working the ores of our own country. Suppose the fisherman to be equally as skilful and expert in making bar iron as he is in taking fish; even in that case he could catch as many fish in one day as would pay a Russian or a Swede for as much iron as he could himself make in three days. Under these circumstances, can it be a wise regulation which shall compel the fisherman to relinquish his occupation, and go to making iron in Pennsylvania, in order that he may drink up the surplus whiskey which is made there, instead of exchanging whiskey and fish for iron and hemp; especially when it is considered that the exchange will produce to the country at least three times the quantity of iron that could be produced by the labor of the fisherman, aided by the strength of the whiskey?

The beneficent Creator has wisely placed mines of iron ore in the interior of Pennsylvania, which were undoubtedly designed for the supply of the inhabitants there; but it would be unreasonable and unjust to compel the inhabitants of other distant States to go there for a supply of iron, when at the same time they have a much cheaper and more convenient resource. The same kind Providence who gave iron ore to the interior of Pennsylvania, supplies the Eastern waters with fish; and commerce, though it may not possess the full power of the philosopher's stone, of turning every thing into gold, has the power of converting fish and whiskey into iron, which is a much more useful metal to mankind than gold itself.

One feature in the bill now before Congress, which we think particularly unhappy, is the tax of six cents a bushel on coal. About one million of bushels of coal are annually imported into the United States, and the present duty of five cents a bushel pays into the Treasury about fifty thousand dollars. A tax upon coal raises the price of fuel in all our seaports. As fuel is consumed in very many of the manufactories of our country, and in every family, it seems to be consistent with good policy, and with a sincere desire to promote the prosperity of our manufacturing establishments, that it should be as cheap as possible. The inhabitants living on the whole seacoast of the United States, and to a considerable distance in the interior; all those who live in the vicinity of our navigable rivers; and many who are concerned in manufactories where fuel is consumed,—are interested in having coal free from duty. To the ship-owner it is a subject of much importance that coal should be free from duty. Our ships are sent to Great Britain with the products of our soil, which are much more bulky than the manufactures which we receive in exchange; of course, many vessels must return empty or in ballast. If they can take in cargoes of coal and obtain a small profit, that useful article will be brought, instead of ballasting the ships with sand or stone. Hence, was coal admitted free from duty, much larger quantities would be brought into the country, and the ship-owner would be enabled to make a small freight on his return cargo, when he could not obtain goods with which to load his vessel. But, notwithstanding these reasons, it is taxed. We cannot conceive that any one is benefited by taxing it, unless it be a few individuals—perhaps from ten to twenty—who own coal-pits near the tide-waters. We would ask, is it wise, is it just, that the whole population of our seacoast, and many of our ship-owners, should be laid under contribution for the benefit of a few persons?

It has generally been considered that the owners of our manufacturing establishments, in order to be prosperous, must be able to purchase the raw material, which they work up at a low price. One article mentioned in the new tariff, now before Congress, as a proper object of taxation, is wool; and on this it is proposed to lay a tax, after the 1st of June, 1827, of fifty per cent. Now, as our country does not furnish sufficient quantities of wool to supply our own consumption, we are at a loss to discern how a duty of fifty per cent. on that raw material is to increase the prosperity of our manufactories.

We have mentioned these particular articles in the proposed tariff, not because they are the only ones on which a tax is objectionable, or because the absurdity of laying a heavy duty is more apparent on these than on others, but merely because we thought it necessary to specify some few, in order to show that our objections to the proposed law were well founded.

It has often been said, and said with truth, that the merchants of this country have been very fair and honorable in their dealings with the Government: they have entered their goods honestly, and discountenanced smuggling. But, if the proposed tariff is adopted, such heavy duties will be laid on some articles, that there is great reason to fear that unprincipled men, for the sake of the great gain held out to them, will be induced to smuggle their goods as a common thing; and, in this case, in order to effect the execution of the laws, a little army of custom-house officers will be required on our extensive seaboard, to the great injury of the revenue of the country.

Your memorialists have full confidence that the commerce of the United States, if placed under a few simple regulations, will flourish and increase; and if commerce prospers, the agricultural and manufacturing interests will regularly advance and strengthen; but if new tariffs are proposed every year or two, and our commerce is hampered by heavy duties, they fear that, although our nation in its youth has been athletic and vigorous, it will soon be hurried to a premature old age. If the plan of altering and increasing the duties every year or two is continued, they fear the next step will be, to grant monopolies to individuals; a system fraught only with mischief, and under which a considerable portion of Europe has groaned for centuries.

With these views, your memorialists take the liberty to remonstrate against the new tariff, which has been proposed to your honorable body; and they pray that it may never be adopted as a law of the land.

By order of the Chamber of Commerce,

G. TOTTEN, *President.*
T. DWIGHT, *Secretary.*

NEW HAVEN, *February* 24, 1824.

MEMORIAL

Of George Jones, and others, praying that no addition may be made to the existing Tariff.—March 3, 1824.

SAVANNAH, *February* 9, 1824.

At a large and respectable meeting of the merchants, planters, and citizens, of the city of Savannah, held this day, at eleven o'clock, at the Exchange, convened in pursuance of public notice, to take into consideration the propriety of sending a remonstrance to the Congress of the United States, now in session, against the new tariff bill, William B. Bullock, Esq., was called to the chair, and William Gaston appointed secretary. The following resolutions were unanimously adopted:

Resolved, That the Chairman appoint a committee of seven, to form a memorial to Congress, remonstrating against the passage of the law proposing a new tariff, and now before that body, and that the said committee have the memorial ready for the signature of the citizens of this community, on Thursday next, at eleven o'clock, A. M., and that their attendance be requested at that period, to subscribe the same accordingly. The following gentlemen were appointed that committee: Judge Jones, General Harden, B. Burroughs, Alexander Telfair, Doctor Daniell, Joseph Cumming, and Thomas Young.

Resolved, That a committee of three be appointed by the chairman, to correspond with the interior towns of Georgia, communicating to their citizens the proceedings in this place, and soliciting a cooperation in the proposed remonstrance to Congress. The following were appointed by the chairman, to be a committee: Judge Wayne, S. B. Parkman, G. B. Cumming.

Resolved, That this meeting be now adjourned to Thursday next, at 11 o'clock, A. M.; to be held in the Exchange long room.

W. B. BULLOCH, *Chairman.*

WM. GASTON, *Secretary.*

SAVANNAH, *February* 12, 1824.

A meeting of the merchants, planters, and others, of the city of Savannah, and its vicinity, was held at the Exchange, this day, in conformity with the adjournment from Monday last, to receive the report of the committee appointed to prepare a memorial to Congress, remonstrating against the passage of the law proposing a new tariff. The committee attended accordingly, and reported a memorial to the meeting: Whereupon, it was

Resolved, That the memorial be accepted and approved of, and that the same be forwarded, at as early a day as possible, to our Senators and Representatives in Congress; the same to be signed by the committee, and countersigned by the chairman and secretary.

W. B. BULLOCH, *Chairman.*

WM. GASTON, *Secretary.*

To the honorable the Senate and the House of Representatives of the Congress of the United States:

The memorial of the undersigned citizens of Georgia, residents in the city of Savannah, and county of Chatham, is respectfully submitted to your honorable body; in which we beg leave to represent our objections to a "Bill to amend the several acts for imposing duties on Imports," as reported by the Committee of Manufactures, at the present session of Congress.

We believe an increase of the tariff, on the principles of the bill referred to, will be oppressive to the great agricultural interests of the Union; injurious to the commercial prosperity of the nation, in its operation on every class of society, throughout the whole Republic; and of doubtful eventual advantage to the small proportion intended to be benefited.

Your memorialists have ever felt that the policy of our Government was, to afford to the consumers of the country the means of supplying their wants in the cheapest mode, whether the articles required are the products of foreign or domestic labor. If the domestic manufacturer can come into equal competition with the foreign, he must trust to the national feeling in his favor to insure him a preference. But, if the workshops of Europe can can furnish the consumer at a lower rate, shall he be compelled to purchase of the home manufacturer, because he has not the talent, the skill, or enterprise, to compete with the foreign? Who, therefore, seeks from the Government a bounty, at the expense of the great body of the people?

The cotton, rice, tobacco, flour, &c., produced by agricultural labor, contend with the growth of other countries; and to us there appears no good reason that our manufactures should be exempted from the ordinary laws of trade, by receiving the benefits of the exclusion of foreign articles, which gives them the advantages of monopoly.

The power of Congress to "lay and collect taxes, duties, imposts, and excises," does not, in the opinion of your memorialists, delegate the right to lay duties and imposts in such an oppressive form as to make a resort to taxes and excises the necessary consequence; nor is the power given to levy them in such a manner, as to operate as a bounty to an inconsiderable few, to the injury of all the other interests of the Republic.

Your memorialists believe that the systems of monopolies and excessive imposts, long maintained by usage, had their origin in the ignorance, the struggles, and jealousies, of remote times; and such a state of affairs has been produced, that change is considered difficult, or impossible; and adherence to them the safest course. But in this country, this system of legislation, intended to benefit the few, and impoverish the larger proportion, has been found contrary to the spirit of our institutions, and, therefore, to the interests of the great body of the people; and we have acted on another, which has operated to produce a general distribution of wealth; and our past prosperity, and rapid growth, furnish the most unequivocal proofs of its excellence. Your memorialists conjure you not to depart from it.

Your memorialists know that the profits of agriculture are small; yet, if the bill to increase the tariff prevail, that interest will be called on to pay, in the form of a bounty to the manufacturer, the duty which it nows pays to the Government; withdraw this duty from the Treasury of the Union, and the inevitable consequences are, a failure to meet the annual expenses of the Government, and a resort to direct taxation. We contend that the loss vastly outweighs the present proposed advantage. In the present state of commerce and agriculture, their interests are inseparable, and a measure injurious to one, will materially affect the prosperity of the other. Cut off from foreign nations the privilege of exchanging commodities with us, and you lessen the demand for the raw materials of agriculture, and you injure the commerce depending on it, and abstract from both the ability to bear the public burdens. Our commerce has, hitherto, with untrammelled energy, visited every portion of the earth, established our name among distant nations, and supported and nourished our seamen, from whom we derive much of our wealth, and the larger part of our distinction as a nation. We apprehend the spirit of the system proposed for encouraging manufactures, will exchange our seamen for the sickly unmanly population of manufactories.

Your memorialists believe the increased and increasing duties proposed by the tariff will produce measures of retaliation on the part of foreign Governments, by the imposition of additional imposts, on American cottons, and they will look to other countries for their supplies, where exchanges of commodities can take place. This important staple of the South must be lessened, and the capital employed in it by agriculture and commerce directed to other objects, or large supplies remain on our hands, unconsumed by the manufacturers of this country; and further, the profits of manufactures, fostered as proposed by this bill, present the prospect of profitable investment to those capitalists who shall first embark in the business. The example of these will be followed by others, and allurements will be held out, and the way opened for that wild speculation which the enterprising character of the nation is too prone to yield to. Thus, your memorialists believe, that, by the rapid investment of capital in manufactures, a home competition will be produced, more dangerous in its consequences to manufactories already established than foreign rivalship, restrained by moderate duties.

The Southern States cannot participate the benefits or profits of manufacturing, being agricultural and commercial; and, for our own section of this State, and in behalf of the known interests of all the other districts, we, with the other nine millions not engaged in manufactures, demand an exemption from the excessive taxes, or imposts, for the benefit of less than four hundred thousand. They have voluntarily chosen to embark in this business, and they ought to have commenced under better calculations than those founded on wringing out contributions from the two other more important interests of the country.

Your memorialists cannot avoid again adverting to the large amount and value of tne cotton produced in the Southern States, and the comparatively small consumption at home. About *six hundred thousand bales* were produced in the year 1822; and we compute the domestic consumption, in the year 1823, at not more than *sixty thousand bales.* What shall be done with the excess, if you should, by burdensome imposts on British manufactures, shut that market against us? We may be obliged with true Asiatic policy, to destroy one part that we may insure a market for the other.

Your memorialists perceive, by examination of the newly proposed amendments of the tariff, that, on many articles of the first necessity with us, the duties are to be increased. We particularly mention coarse woollens, osnaburgs, cotton bagging, and our chief implements of agriculture; and to these we would call your most especial attention.

Your memorialists had hoped that the gradual increase of duties heretofore made, would have been sufficient to satisfy the claims of manufacturers; but, as their demands increase with the protection afforded them, we pray that the proposed additions to the tariff be rejected by your body.

Your memorialists would sum up their remarks by expressing their belief that the proposed tariff will be oppressive, in its operation, to the great landed, agricultural, and commercial interests of the country; unjust, as calculated to force upon the people the burden of direct taxes, not warranted by a state of peace; doubtful in its ultimate advantages to that interest which is now asking encouragement; and certain only in being oppressive to the great body of the people. For these reasons we lay this memorial before you, and respectfully ask that no increase or modification of the existing tariff be made, except, only, with the single object of meeting the annual expenditures of the Government, and the gradual redemption of the public debt, the only legitimate causes of taxation in times of profound peace.

GEORGE JONES,
And Others.

WM. GASTON, *Secretary.*

MEMORIAL

Of sundry merchants, traders, and other citizens of Baltimore.—March 3, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, merchants and traders, and citizens of Baltimore, respectfully represents:

That your memorialists have viewed with deep concern the progress of the bill now pending before your honorable bodies, which has for its object the establishment of a new tariff, or to amend the several acts imposing duties on imports.

The provisions of that bill, if carried into execution, your memorialists apprehend, will seriously affect their rights and interest, as well as the rights and interest of the largest portion of the community.

Under our free and happy Government every citizen is at liberty to employ his capital, labor, and resources, of every kind, in the way that he may deem most profitable, useful, or agreeable, to himself, provided it does not violate law or the rights and privileges of others. It is the great and important office of Government to give equal protection to all lawful occupations, and never to cherish or exalt one at the expense of others. A deviation from this principle cannot fail to work injury and injustice. The very heavy duties contemplated by the bill in question, on many articles of foreign production, amount to a prohibition of their importation, and in the same degree operate in a premium or bounty to the manufacturer of the like article in this country. By this operation the merchant is checked in the freedom of his pursuits, and the consumer is heavily taxed. One part of the community is likely to be exalted at the expense of all the rest, and of course the law would be partial and unjust. Our Government was instituted for the purpose of promoting the general welfare, and when it deviates from this course, it ceases to be useful. The citizen who has embarked his fortune in commerce, or navigation, or agriculture, is equally entitled to the protection and encouragement of Government with the manufacturer; nor ought the strong arm of Government to be ever extended for the purpose of elevating the one above the other. That this would be the result of the proposed new system, if carried into execution, may be demonstrated, and has been already shown by the memorials already presented to your honorable body, by the New York Chamber of Commerce, and others. It will interfere, too, with the exchange of commodities with other nations. If we do not buy their manufactures they will not be customers for the produce of our country. This abridgment of commercial rights is an immediate loss to the merchant, and will be an incalculable injury to the cultivators of cotton, rice, and tobacco, and commerce generally, provided a spirit of retaliation is exerted in other countries, and a system of countervailing duties is adopted by them, than which, no event in the womb of time is more probable.

A direct and certain effect of extravagant or excessive duties is to introduce smuggling. No evil is more to be shunned than this, in a country, and under a Government, constituted as ours is. If ever it is encouraged by a respectable portion of the community, however small, it will quickly grow into extensive practice, and will require more force than the Navy and Army of the United States to put it down. The immoral effect and the injury to the public revenue and to the fair traders, will be felt for ages. Our republican institutions rest, for support, on the virtue of the people, and wise legislators will deprecate every measure that has a tendency to corrupt them. The new tariff, your memorialists humbly conceive, is one of this character. If the object of the depending bill is not to exalt one occupation at the expense of all the others, your memorialists are at a loss to understand for what purpose it is introduced. It cannot be for revenue. The old order of things has filled the Treasury to overflowing. This result has been produced without oppression, and all rejoice in it. Why change a certainty for a doubtful experiment, with odious and alarming features? Such conduct, your memorialists humbly conceive, is not compatible with wisdom or policy. It certainly is not compatible with the spirit of our free Constitution. The manufactures of the country are amply protected at present. They flourish wherever they are conducted with skill and prudence, and are very able to stand alone. Your memorialists regret that they cannot say the same of our commerce and navigation. These languish, and are depressed to a degree that excites serious alarm, and are most worthy of the fostering care of Congress. They have been sources of wealth, and have yielded the means of support to Government.

Your memorialists might urge other and powerful arguments against the passage of the bill in question into a law. But the subject has been already so ably treated in the New York and other memorials, that more need not be stated at present. Your memorialists concur in the sentiments and opinions of these memorials, and believe, with their commercial brethren in other places, that the evils of the new system, if adopted, will preponderate over the good to be expected from it; that, in principle, it is unjust, and, in practice, will be oppressive to a great majority; that it will injure commerce, navigation, and agriculture. That it is calculated, in its operation, to benefit the few at the expense, and to the great injury, of the many; and that it will promote smuggling, impair the revenue, and destroy the fair trader.

Your memorialists, therefore, pray that the bill may not pass into a law. And they will pray, &c.

MEMORIAL

Of Sundry Farmers of the State of Pennsylvania.—March 3, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, citizens of the city and county of Philadelphia, respectfully showeth:

That the existing tariff requires an early and thorough revision, so as to remove the strong objections to which it is liable in its present form.

I. It is manifestly unjust and impolitic; as, contrary to the first principles of policy and justice, it imposes oppressive duties on necessaries of life, some of them used wholly by the poor, and admits on low duties conveniences and luxuries, some of them used wholly, and all of them chiefly, by the wealthy. The duties on molasses is about 42 per cent.; on brown sugar 100 to 120; on bohea tea 120; on souchong 150; and on salt 180. Whereas gold and silver plate, jewels, lace and lace veils, watches, &c., pay but 7½; clocks, silks, satins, cambric linens, bombazets, gauzes, and Canton crapes, but 15—China, elegant cutlery, girandoles, and lustres, but 20—and plated ware, fine muslins, calicoes, kerseymere, broadcloth, cashmere, and merino shawls, Brussels and other carpets, but 25. To show the extreme violation of justice in this respect, it will be sufficient to state, that 100 dollars worth of salt, 180 dollars worth of brown sugar, 150 dollars worth of bohea tea, or 120 dollars worth of souchong, pay as much duty as 720 dollars worth of Brussels carpets, Cashmere or merino shawls, or broadcloth; 900 dollars worth of porcelain or girandoles; 1,200 dollars worth of silks, satins, gauzes, or Canton crapes; or 2,400 dollars worth of silver plate, jewels, lace, or lace veils. We feel confident that the most aristocratical or despotic Government in Europe cannot furnish a more shocking instance of partiality towards the rich and oppression of the poor.

II. The tariff is liable to objection on the score of partiality on another ground. It protects certain species of the productions of the national industry by exorbitant duties, and exposes to ruin, from foreign rivalship, those citizens employed on other productions, entitled, on every ground of justice, to equal protection. We have seen that the wealthy sugar planter is protected by a duty of one hundred per cent. The tobacco planter is protected by a duty on manufactured tobacco of 10 cents per lb., which, at the ordinary rates abroad, is also one hundred per cent. Both these articles are bulky, and subject to very heavy freight, averaging probably at least fifteen per cent.; whereas the poor stocking weaver has only a protection of 20 per cent.; the manufacturer of fine muslins and woollen goods only 25 per cent.; and the manufacturer of ironmongery, steel, copper, tin, brass, and lead, only 20 per cent. The freights on some of these latter articles are not above 2; on others 8, 9, or 10 per cent.

It is with strong feelings, which we will not express, but which may be readily conceived, that we have observed, whenever an attempt has been made to afford further protection, by an increase of the existing duties, for instance, on woollen and fine cotton manufactures from 25 to 33 per cent.; on manufactures of iron, steel, brass, copper, &c., from 20 to 25, that the tobacco and sugar planters, thus exorbitantly protected themselves, regardless of the equal rights of their fellow-citizens, have united in a solid phalanx, to vote down the proposition. On this extraordinary conduct, it would be wholly superfluous to offer the comments which will readily present themselves to your honorable houses.

The tariff is liable to strong objections on other grounds.

III. For the encouragement of national industry, the wise nations of Europe have almost universally admitted raw materials at low duties, or duty free. This principle is recognised in our tariff in many cases. But in others it imposes equal and sometimes higher duties on bulky raw materials, than on the articles fabricated of them.

Flax and wool pay a duty of 15 per cent. Hemp a duty equal to 33; cotton a duty equal to about 37½. Whereas linens—all other articles made of flax—camlets, and calimancoes, pay but fifteen. Hempen cloth, (except Russia and German linens, Russia and Holland duck,) pay but 20 per cent.; fine cottons 25, and cotton stockings only 20. Thus, in some cases, the raw material pays 50 and 60 per cent. more duty than the manufactured article.

We would observe that the bounty on British linens at five pence per yard is 20 per cent.—at six pence per yard is 25 per cent.—and on higher priced, from 10 to 25; whereas our duty, as above, is only 15. Thus the bounty on low priced linens pays not only the duty but the freight.

We have never objected, nor do we now object, to the liberal protection afforded to commerce, which has been guarded by every precaution that legislative wisdom could devise. We have never murmured nor repined at the enormous expense it entails on us, for fleets, armies, and ambassadors. But we must deeply regret, that whatever distress prevails among the manufacturers—(as, for instance, in the disastrous years 1819, '20, and '21, when ruin spread among them far and wide,) whenever any attempt has been made to afford them relief, the merchants have united their paramount influence with as much zeal to defeat the measure, and prevent the relief of their fellow-citizens, as if their own vital interests were about to be destroyed—or as if the manufacturers were not equally entitled to the protection of the Government with themselves.

We will enumerate some of the great advantages enjoyed by the merchants, and wish them contrasted with the additional protection for manufacturers proposed by Mr. Baldwin's bill.

1. Foreign vessels are absolutely prohibited, under penalty of confiscation, from carrying on the coasting trade; thus securing it to our own merchants exclusively.

2. Goods imported in foreign vessels pay an addition of ten per cent. on the duties charged on those imported in American vessels.

3. American vessels pay but six cents per ton on entry; foreign vessels, not on the most favorable footing, 50 cents. A difference of 700 per cent.

4. The duty on souchong and other black teas in American vessels is 25 cents per pound; on

imperial and gunpowder, 50; on hyson and young hyson, 40; and on hyson skin, and other green teas, 28: whereas, in foreign vessels, the duties are 34, 68, 56, and 38 cents; making a difference of duty in favor of the American merchant, of no less than 37 per cent.

These and other advantages early elevated the American tonnage to the second rank in the scale of nations—and would alone be sufficient to prove the necessity and immense advantage of protecting national industry from overwhelming foreign competition. Had the *let-us-alone policy* prevailed in regard to our shipping, we would never have attained the rank which we now hold.

Against the proposed measure a Constitutional objection has been raised. It is very confidently asserted, that Congress possesses no right to impose duties to protect manufactures, or for any other purpose than revenue. We respectfully conceive that this objection will not stand investigation. The high duty on manufactured tobacco, coeval with the Government itself, was intended for the protection of the tobacco planter. It has no reference whatever to revenue; as the whole amount collected from tobacco, since the Government was formed, would not pay the salary of a naval officer for a single year. The high duties on foreign spirits were imposed to aid the farmer, by protecting the distillation of American spirits, and thus securing him a market for his grain. The high duty on hemp was originally laid to enable the planters of South Carolina and Georgia, to cultivate that article, as at that time, [1789,] rice and indigo, their two leading staples, had sunk so low in price, as not to be worth cultivating.

Among the objections to the modification of the tariff, great emphasis is laid on its tendency to promote smuggling. The chief duties proposed by Mr. Baldwin's tariff, were those on woollens and fine cottons, 33 per cent. instead of 25; 25 per cent. on manufactures of iron, steel, brass, copper, tin, lead, &c., instead of 20; and, for sake of revenue, 25 per cent. on silks and linens. We respectfully conceive that it is sufficient to meet this objection, to state, that while we impose 120 and 150 per cent. on teas, 100 per cent. on pepper, 50 per cent. on pimento, 100 per cent. on spirits and sugar, 50, 60, 75, and 80 per cent. on wines, it is utterly inconsistent to allege the danger of smuggling, as a necessary result of imposing duties of 25 and 33 per cent.

We wish to meet one other objection to the protection of manufactures—the danger of extortion—after the example of the period of the war, in which prices were raised, as it is said, exorbitantly. It might be sufficient to repel this objection, to state, that the great rise of raw materials, wool for instance, from 75 cents to three and four dollars per lb., would have warranted a greater rise than actually took place. But we beg leave to observe that, in the year 1815, at the period of the enaction of the present tariff, when the clamor against extortion was first excited, and zealously urged, flour rose from eight to ten dollars; upland cotton from 13 to 20 cents—and tobacco from ninety-six to one hundred and eighty-five dollars; and that on the declaration of war, most imported articles were raised at once 20, 30, 40, and 50 per cent. We trust that these plain facts, on which we forbear to dilate, will set this objection at rest forever, with all men who regard their character.

Hitherto we have considered the subject merely as regards the prosperity of our manufactures—and the equal claims of our manufacturers. We now wish to consider it on higher ground—in a grand national point of view.

We have been at peace for very nearly nine years. No great national calamity has visited us during that period. We have been blest with superabundance of all the fruits of the earth. Of one of the most valuable raw materials in the world, we produce, at least, three-fifths of the entire consumption of Europe and America. Our natural, moral, and political advantages, never were exceeded, perhaps never equalled, in the annals of the human race. Under a good system we could not possibly have failed to enjoy great prosperity—every order, condition, profession, and trade would thrive. Full employment would be had for every man, woman, and child, disposed to industry. The country would exhibit the appearance of a terrestrial paradise—and would really hold out "an asylum to the oppressed of all nations." But to the members of your honorable houses, coming from the East and the West, the North and the South, we appeal for the truth of the following facts:—that, with the exception of certain situations and occupations, enjoying particular advantages, depression pervades the land—that so much of the industry required to supply our wants, is performed in foreign countries, that almost every rank and condition in life, every trade, profession, and occupation, is crowded—that most of our great staples, although reduced in quantity since the year 1801, (notwithstanding an increase in our population of 87 per cent.,) are so far beyond the demand of the foreign markets, as to reduce the price below what affords a reasonable remuneration to the cultivator; in one word, that with all the blessings that could be desired to secure national happiness, the situation of the country is very far, indeed, from prosperous.

That a change of our system is requisite, must therefore be obvious to the most superficial observer. That nothing further can be done for commerce, is equally clear. For agriculture, which, with few exceptions, has the exclusive supply of the nation, little is within the power of Congress. But the department of manufactures affords ample scope for healing the wounds of the nation.

No country ever fully availed itself of its advantages, which devoted an over proportion of its industry to agriculture. Let us examine the case of Italy, Spain, Portugal, Ireland, and Poland, rich in the utmost profusion of the gifts of nature—and with vast surplusses of all the necessaries of life, yet exhibiting, amidst boundless abundance, the most afflicting scenes of wretchedness and misery, in all its grades and forms. The bounties of Heaven are lavished on them in vain. Their demands for the productions of the manufacturing nations are imperious and increasing—but the demands for their productions are fluctuating, and subject to the variations of seasons in the nations on which they depend. Of this the United States have had dear-bought experience during every period of their existence. It is probable that this fluctuation has caused losses to our citizens, within the last thirty years, to the amount of from one hundred to one hundred and fifty millions of dollars. On this all important subject, we present the luminous view of Alexander Hamilton:

> "There are natural causes tending to render the external demand for the surplus of agricultural nations a precarious reliance. The differences of seasons in the countries which are the consumers, make immense differences in the produce of their own soils, in different years, and consequently in the degrees of their necessity for foreign supply. Plentiful harvests with them, especially if similar ones occur at the same time in the countries which are the furnishers, occasion, of course, a glut in the markets of the latter."

The proportion of the population of Great Britain employed in agriculture is about 33 per cent.; in Ireland, about 75; in the United States, about 84. If the proportion were reduced to 70 or 75, and the consumers of the produce of the soil proportionably increased, we should export less of our produce, and, reasoning by analogy, and from experience, receive 20, 30, 40, or 50 per cent. more for the reduced quantity than now for the whole. Our statistics furnish innumerable examples in proof of this theory. We shall quote only two. The export of flour in 1819, was only 750,660 barrels, of which the average price was $8, and the amount $6,005,280. The export of 1820, was 1,177,036 barrels, which so far glutted the foreign market, as to reduce the price to $4 50, and the whole amount to $5,296,664. The export of cotton in 1819, was 87,997,045 lbs., which produced $21,081,771. The export of 1820, was 127,860,152 lbs., and the great increase so far reduced the price that the proceeds were only $22,308,667. The general tenor of our export trade goes to establish this theory beyond all controversy.

Our system has had a fair trial for thirty-four years of peace, with the exception of a short war of two years and a half. After enjoying all the immense advantages of a neutral commerce for above seventeen years, it found us, at the commencement of a perilous warfare, totally unprepared for the emergency, in regard to finances, and the means of providing a large proportion of the articles most essential to human comfort and convenience; among which must be enumerated the great articles of clothing. The woollen manufacture had been so wholly neglected, and we were so dependent on European supplies, that we were unable to furnish a few thousand dollars worth of blankets for the Indians. Our cotton manufacture was at so low an ebb, that our whole consumption of the raw material, in 1810, was only 3,000,000 lbs., though in that year we exported 93,000,000 lbs. Whereas, by a proper protection, both of those branches might have been raised to full maturity so as to have supplied our utmost wants. Our system inflicted on the nation, throughout the whole war, the most dangerous feebleness in regard to our fiscal resources. To meet the demands of the country for clothing and other necessary articles, for which we had depended on Europe, manufactories were hastily established, with slender capitals, great inexperience, deficiency of machinery, and under almost every other disadvantage which could militate against great undertakings. The energy and intelligence of our citizens overcame them all. In a few months they attained a perfection, without Governmental aid, which other nations required many years and great aid from Government to attain. Millions of money were invested in those grand establishments—but peace unfortunately blasted and blighted the flattering prospects; ruined probably two-thirds of the manufacturers; and sacrificed the same proportion of the capital thus invested. A timely aid at that period, such as the nations of Europe afford their manufacturers, would have averted the desolation that ensued.

With one other view of our affairs, so far as regards the interests and safety of the nation, we shall conclude this memorial. Great Britain and France, exhausted by a protracted and destructive warfare, of above twenty years, in which the former expended $7,000,000,000, and the latter $4,400,000,000, are now, by protecting the industry of their subjects in all its forms, reviving from the consequences of this state of things. They are rapidly paying off their national debts—reducing the amount of their taxes—wonderfully extending their manufactures and commerce—and increasing in wealth and resources. Great Britain has within the last year established an effective sinking fund of $22,500,000. Our situation exhibits a melancholy contrast. Our debt is diminishing slowly—our sinking fund is annihilated—our manufactures, coarse cottons excepted, make slender progress—our commerce is generally depressed—property is reducing in value—and circulation is excessively sluggish. In a word, so far as regards this portion of the Union, to use the language of the directors of the Philadelphia Bank: "The mercantile embarrassments of the country for some years past have been so severely felt by persons of all ranks in society, and the miseries of poverty have invaded the firesides of so many of our respectable fellow-citizens," that to change a system, which has produced so many evils, is imperiously necessary. We, therefore, respectfully pray that the tariff may be so modified, as to afford that protection to manufactures which our Government affords to commerce.

PUBLIC SCHOOL LANDS.

Resolution and Memorial of the Legislature of the State of Ohio, upon the subject of the Lands set apart for the purpose of Public Schools.—March 10, 1824.

Resolved, That the following memorial be submitted to the Congress of the United States, during the present session, or so soon as may be practicable.

The Memorial of the State of Ohio, in General Assembly, respectfully represents:

That, by the act of Congress of the United States, passed the 30th day of April, in the year 1802, the following among other propositions were offered to the Convention to be assembled for the formation of a State Government for the people of the eastern division of the territory Northwest of the Ohio, including the State of Ohio; that is to say: that the section number sixteen, in every township, and where such section had been sold, other lands equivalent thereto should be granted to the inhabitants of such township for the use of schools.

Secondly, That the six miles reservation, including the salt springs, commonly called the Scioto salt springs, the salt spring near the Muskingum river, and in the military tract, with the sections of land which include the same, should be granted to the said State for the use of the people thereof: *Provided*, The said Legislature should never sell nor lease the same for a longer period than ten years.

That the foregoing propositions, when acted upon and considered in convention of Ohio, and by an ordinance passed the 29th day of November, in the year 1802, the aforesaid propositions were accepted: Provided, that the following modifications should be made thereto, that is to say: that, in addition to the first propositions securing the section number sixteen, in every township, within certain tracts to the inhabitants thereof for the use of schools, a like donation, equal to the one thirty-sixth part of the amount of the lands in the United States' military tract, should be made for the support of schools within that tract; and also that the like provision should be made for the support of schools in the Virginia Reservation, so far as the unlocated lands in that tract would supply the proportion, after the warrants issued from said State should have been satisfied; and also that a donation of the same kind, or such provision as Congress should deem expedient, should be made to the inhabitants of the Connecticut Reserve; and that out of all the lands which might thereafter be purchased of the Indian tribes by the United States, and lying within the State of Ohio, that the one thirty-sixth part should be given as aforesaid for the support of public schools; and that all lands before mentioned to be appropriated for the use of schools should be vested in the Legislature of said State of Ohio, in trust for said purpose.

That a certain proportion of the lands lying within the State of Ohio had already been disposed of by the United States; and by patent dated on the 13th day of September, in the year 1794, certain lands therein described were granted unto John Cleves Symmes, reserving to the United States out of each township within the same, lot numbered sixteen, for the use of schools, being one thirty-sixth part of the whole tract granted as aforesaid.

That a certain tract had also been granted unto Manassah Cutler, and others, under the name of the Ohio Company, in which, lot number sixteen, being one thirty-sixth part, was also reserved for the use of schools; in addition to which are the appropriations for the Ohio and Miami University, but to which last appropriations to the Ohio and Miami University your memorialists have only adverted as not being intended to be embraced in the prayer of the memorial herewith submitted.

That the ordinances of the convention of Ohio, of November, 1802, gave rise to the act of Congress of the United States of the 3d day of March, in the year 1803, by which it was enacted more specifically—

Firstly. That certain quarter townships in the tract commonly called the United States' military tract, and in said act particularly described, amounting to the one thirty-sixth part of the estimated whole amount of lands within that tract:

Secondly. That certain other quarter townships in the same United States' military tract, and in said act particularly described, for the use of the tract of country commonly called the Connecticut Reserve, were also by said act granted or reserved.

Thirdly. So much of that tract within this State commonly called the Virginia Military Reservation, as would amount to one thirty-sixth part of the whole tract, was also granted, to be selected by the Legislature of the State of Ohio, out of the unlocated lands in that tract, after the warrants issued from the State of Virginia should have been satisfied.

Fourthly. There was also granted and secured by the same act, one thirty-sixth part of all the lands of the United States lying in the State of Ohio, to which the Indian title had not been extinguished, which might thereafter be purchased of the Indian tribes by the United States, which thirty-sixth part should consist of the sections number sixteen, in each township. The specified and declared object of the aforesaid grants and reservations were for the use of common schools within the several districts of country therein specified, and were, as your memorialists conceive, granted upon full consideration arising from the increased value of the remaining lands belonging to the United States, and also from the relinquishment on the part of the State of Ohio, of the right to tax the lands of the United States within the State of Ohio, until five years after the sale thereof; and that it was by the aforesaid act expressly declared, that the several appropriations for schools, made therein, were in conformity with and in consideration of the conditions agreed on by the State of Ohio, by the ordinance of the convention of said State, bearing date of the 29th day of November, in the year 1802, and hereinbefore particularly referred to.

That your memorialists conceive that it was the intention of the parties to the compact aforesaid, that one-thirty-sixth part of all the lands within the State of Ohio, should be granted to the people thereof, for the use of common schools, and should be placed under the control of the Legislature thereof; and that this construction is warranted by the spirit, and even by the letter, of the different acts of the Congress of the United States, when considered in relation to the ordinance of the State of Ohio, above referred to, and to which a direct reference is had by the aforesaid last recited act of the Congress of the United States.

That, when it was afterwards ascertained, that the grant aforesaid, in relation to the tract of country, commonly called the Virginia Military Reservation, would be rendered wholly inoperative in consequence of the limitation and condition thereunto annexed, by reason of the great and uncertain amount of warrants which had been issued by the State of Virginia, together with the extended period for locating the same, the Congress of the United States, in pursuance of the stipulations of the compact aforesaid, by the act passed the 2d day of March, in the year 1807, appropriated eighteen quarter townships and three sections, as are in said act described, for the use of schools, in that tract of land, in the State of Ohio, commonly called Virginia Military Reservation, which were, by the said act, also vested in the Legislature, in trust for the use aforesaid.

That, at the period when the act aforesaid, making an appropriation for the tract, commonly called the Connecticut Reserve, was passed, the Indian title had been extinguished to that part only which lies east of the Cuyahoga river, and the appropriation was made only in relation to that part to which the Indian title had been extinguished, and consisted of a tract equal to one thirty-sixth part of the reserve to which the Indian title had been so extinguished, since which time, the Indian title to that part of the reserve lying west of the Cuyahoga river, has been extinguished by the United States, for, and on account of, the State of Connecticut, who made the necessary appropriations for that purpose.

That, as your memorialists conceive it was in conformity with the spirit and intention of the compact aforesaid, and formed a material item of the consideration which induced the State of Ohio to make the concession they did make under that compact, that they should receive, in return, lands equal to one thirty-sixth part of all the lands within the State of Ohio, to be appropriated for the use of common schools within said State.

The Legislature of the State of Ohio, construing the terms and spirit of the compact, in the manner above set forth, do not hesitate to represent to the United States, that, when the Indian title was extinguished to the tract of country lying in the Connecticut Reserve west of the Cuyahoga, the terms aforesaid required of the United States, that a law should be passed, appropriating, from their unlocated lands within the State of Ohio, a tract equal to one-thirty-sixth part of the Connecticut Reserve lying west of the Cuyahoga river, and that they, relying on the justice and good faith of the Government of the United States, confidently anticipated the passage of such an act in aid of the exertions of the State of Ohio in establishing a system of common free schools throughout the State.

That, in relation to the lands already appropriated, as above described, the Legislature of the State of Ohio, in pursuance of the trust aforesaid, and in aid of the great and important object contemplated, have resorted to various methods of rendering them productive, and in particular that of leasing them to such individuals as have applied therefor; that experience, however, has fully demonstrated that this fund will be wholly unavailing, in their hands, in its present shape. That, in order that the beneficial and laudable objects contemplated by the grants aforesaid, may be secured to the people of the State of Ohio, it will, as your memorialists conceive, be necessary that the Legislature should possess the unlimited control over the lands aforesaid, with the power of disposing of them in fee.

The objections which are urged against the present mode of administering that fund, are, in the first place, that, by reason of the facilities which the State of Ohio affords of acquiring a property, in real estate, a necessity exists of leasing the lands in question to persons almost wholly destitute of pecuniary means, whereby the avails of those lands are rendered, at least, uncertain. In consequence, also, that, as these lands are detached over the whole State of Ohio, the expense which must necessarily be incurred, by creating a superintendence over them, render them much less productive than your memorialists conceive they might be rendered if the lands were sold, and the proceeds concentrated in one fund.

The fact, also, before adverted to, that these lands must necessarily be intrusted to the possession of those of the lowest class of the community, and who possess no permanent interest in the soil, has produced a waste upon these lands, of their timber, and otherwise, equal, perhaps, to the whole revenue which may have been derived from them. The fact, also, that, by holding them under the present tenure, your memorialists are compelled to offer, upon lease, so great a proportion of their soil, as will invite and retain a population within her boundaries, of a character not to be desired, and, in amount, so great as to create an evil which can only be conceived of, in a country where every individual, possessing a very moderate portion of industry and economy, may, within a single year, appropriate to himself, in fee, a quantity of land sufficient to furnish means of support for an ordinary family, is also a circumstance which your memorialists conceive is not undeserving of consideration.

While the State of Ohio, in common with her sister States, shall have her ordinary proportion of idle and unprofitable members, this great proportion of land which must be held by lease, must, of necessity, produce a corresponding feature in her population. Although many industrious and valuable citizens may be found among the lessees of school lands, yet it must be admitted that the great body of those who constitute the strength and basis of every Government, and who are to be considered as the friends of good order and public improvement, are among those who are the owners as well as occupiers of the soil. These evils, as your memorialists conceive, arise wholly from the system of granting those lands upon leases, and are such as cannot be remedied by any course of legislation whatever, if, as some have supposed, the State have not the power, under the term of the original grant, of disposing of those lands in fee. Notwithstanding your memorialists may be of opinion that they already possess this right, yet, so long as the question shall admit of any doubt, it must, of necessity, have the effect to restrain its exercise. It is true, that, if the forms of proceedings established by States as the rule of action for its members, shall or can be brought to operate upon the States themselves, this question might, perhaps, be rendered still more uncertain; but your memorialists conceive, that the grants aforesaid being made to the people of the State of Ohio, through the medium of the Legislature, for the use of the people, that no limitations can have any operation, further than as it shall furnish an argument against diverting this fund from its original and legitimate object. The Legislature of the State of Ohio being, in all respects, sovereign, within the Constitution, their capacity to do any and every act in relation to property which its citizens hold in common, is, as they conceive, necessarily implied; nor can they acknowledge that any rule, other than the Constitution, can operate, with any obligatory effect, upon the power which has created the rules itself, except upon considerations of justice and policy towards those who may be affected by their acts. It may, it is true, be said, that these grants partake of the nature of a compact between the United States and the State of Ohio, and that, therefore, they are to be limited to their particular terms in relation to the State of Ohio. It is admitted that the grant exists in consequence of a compact; but, inasmuch as the United States have received a full and valuable consideration, which formed the inducement of the grant, and inasmuch as they have not reserved to themselves any beneficial interest in the land aforesaid, or possibility of reversion, or any title whatever, it cannot be supposed that they can possess any controlling power. It may be urged, also, that, inasmuch as there has been no method pointed out in respect of the manner in which this trust should be executed, that the Legislature of the State of Ohio have an unlimited discretion in this respect, and may avail themselves of every possible method of producing the greatest advantage to those whom they represent. This argument, they conceive, is powerfully supported by the fact, that the same act grants to the State as well the school lands in question, as the six miles reservation, including the Scioto salt springs; in respect of which latter the Legislature are expressly restrained from selling the same, or leasing them, for a longer period than ten years; and that the inference, from this circumstance, is direct, that it was the intention of the parties to that compact that no such restraint should exist in relation to the other lands which did not come within this provision. While your memorialists have been thus particular in endeavoring to give the proper definition of the powers they possess, in order that no conclusions may hereafter be drawn unfavorable to their claim from having made this application; and have thereby, perhaps, shown that, in a particular point of view, this application is wholly unnecessary, they are of opinion that an act of the Congress of the United States, declaratory of the extent of the grants aforesaid, will be productive of much benefit, in case the Legislature of the State should hereafter determine to dispose of the same. That it will have the full effect of removing every doubt in the minds of the purchasers, and thereby enhance the price which will be obtained for the same.

Therefore, your memorialists represent that it would be of advantage, and conduce to the future prosperity of the State of Ohio, that a law of the United States be passed, declaring the authority of the State of Ohio to dispose of the said lands granted for the use of schools within said State in fee, and that the proceeds thereof be invested in some permanent fund, the proceeds of which shall be applied, under the directions of the Legislature, for the use of common schools within the townships or districts to which they were originally granted in said State, and for no other use and purpose whatever: *Provided*, That the sections numbered sixteen, granted as aforesaid for the use of schools, shall not be sold without the consent of the inhabitants of such original surveyed township; and that they may be authorized and empowered to sell and dispose of the aforesaid six miles reservation, including the Scioto salt springs, the salt springs near Muskingum river, and in the military tract, with the sections of land which includes the same, and apply the proceeds thereof to such literary purposes as the Legislature of the State of Ohio may hereafter direct.

Resolved further, That the Governor be requested to forward the foregoing memorial to the Government of the United States, and take such order and disposition of the funds as shall seem to him proper.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

FEBRUARY 26, 1824.

PROTECTION OF AMERICAN INDUSTRY.

Memorial of the Pennsylvania Society for the Encouragement of American Manufactures.—Presented the 15th March, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Board of Managers of the Pennsylvania Society for the Encouragement of American Manufactures respectfully showeth:

That they have read with attention a memorial presented to your honorable bodies by the Chamber of Commerce of this city, and feel themselves bound to point out sundry material errors in point of fact—sundry erroneous inferences—which it contains, tending, unless corrected, to injure, not only their constituents, but the nation at large. They regret that the length of the document in question, and the great variety of its errors, will constrain them to be more prolix than they would wish. For this, they hope the importance of the subject will be a sufficient apology.

"In a free country, like the United States, all branches of lawful industry have a right to equal protection by the laws. There can be no inequality without favoritism, and no favoritism without injustice."

These maxims come with an ill grace from a class of citizens who, from the commencement of the Government to the present hour, have enjoyed every species of protection which could be devised, and who have been unceasing in their applications for what is now styled "favoritism" and "injustice." The manufacturers of this country require but half the protection which has uniformly been extended to commerce. By such protection they would prosper, and shed prosperity on the nation at large.

"The universal opinion of well-informed men has now established it as a general rule, that the greatest degree of national wealth is to be obtained by leaving every one to the unfettered use of his labor, skill, and capital; for it is in this way that individuals, of whom nations are composed, attain to the greatest prosperity."

This specious, but erroneous theory, accords but ill with the practice of our Government and the requisitions of our merchants. Had they been left to "the unfettered use of their own labor, skill, and capital," their tonnage never would have emerged from its insignificance. In the year 1789, it was only 201,562 tons. By an enormous extra tonnage duty on foreign vessels engaged in the foreign trade—700 per cent. more than on American vessels—by subjecting foreign vessels engaged in the coasting trade to pay 50 cents per ton on every entry, whereas American vessels paid but six cents once a year—by duties on teas imported in foreign vessels, which averaged 27 cents per pound, while those on teas imported in American vessels averaged but 12, being an advance of 125 per cent. in favor of American tonnage—by these and other directions of "labor, skill, and capital," enacted by the first Congress in 1789, the American tonnage rose in a few years to the second grade in the scale of nations—being in 1792, 564,437 tons, and 898,328 in 1798.

But, we respectfully ask, is the American manufacturer left to the "unfettered use of his own labor, skill, and industry," when he is expelled from his own market by floods of rival articles, introduced, to his destruction, by the American merchant, or by foreign merchants or manufacturers? Let his "labor, skill, and industry," be what they may, he is constantly "fettered," and too often ruined, by foreign rivals.

Your memorialists respectfully state, that they cannot conceive why, "in a free country, where," according to the Chamber of Commerce, "all branches of lawful industry have a right to equal protection by the laws," the manufacturers and owners of ships should be protected from foreign rivalship in the coasting trade, and the manufacturer of woollens and cottons look in vain to the Government for a similar protection, when his prospects in life, and those of his children, are blighting and blasting by that rivalship. If this be "equal protection," then we are unacquainted with our own language.

"If legislation acts upon the subject of trade, which, after all, is more safely left to the law of man's nature, by which he is incessantly stimulated to do the best for himself, and therefore for his country, it should act for the removal of impediments and restrictions, not for the creation of them."

To be consistent with this doctrine, the Chamber of Commerce ought to have petitioned for a removal of all the "restrictions" in favor of commerce with which the statute books abound. Foreign vessels ought to be admitted to pursue the coasting trade—the discriminating duties on teas ought to be abrogated. In a word, all "impediments and restrictions," enacted at their instance, and for their benefit, ought to be removed.

"Beyond the limits of a fair resort to trade for the purpose of revenue, and the case of public necessity, or high public exigency, to prepare the country for the event of war, restrictive legislation upon trade, whether it be in the shape of prohibitions of one branch, or bounties to another, are eminently dangerous, and, to a community as extensive and diversified as this, severely unequal."

"It has been deemed the wisest course to abstain from public enactments altogether, and to leave the hive to the industry and instinct of its laborers, without attempting to direct which cell shall be first filled."

"Revenue is almost the only ground on which legislation, in regard to trade, is safe."

"The tariff bill is a political theory; that Government knows better than an individual what is good for him, and can better employ his skill, his labor, and his capital; that it is wiser and more economical to buy dear of our own people than cheap of foreigners; and that it is competent, in these times, for a nation to grow wealthy and happy, with her gates opening outwards to sell every thing, but to buy nothing."

These are repetitions of a trite idea, already advanced three or four times—and if correct, would be a pointed condemnation of the unceasing applications of the merchants for "legislation in regard to trade," and of the whole course of the National Legislature on that subject. We respectfully ask, when, in 1789, prohibitory duties were imposed on manufactured tobacco and snuff, six cents per pound on the former, and ten cents per pound on the latter—and in 1816, ten cents on the one, and twelve cents on the other, to exclude foreign tobacco and snuff, for the benefit of the tobacco planters, were these duties imposed with a view to "revenue?" When foreigners were by law excluded from the coasting trade, under penalty of confiscation, was that for "the purpose of revenue?" Neither the Chamber of Commerce nor the tobacco planters, can maintain this doctrine. The whole revenue from snuff and tobacco, since the Government was organized, would not pay the salary of a single deputy collector. How then can it be asserted, that Congress has a right to impose prohibitory duties for the benefit of tobacco planters and merchants—and the right be denied with regard to another class, at least as useful? Is it not wonderful that a respectable body of citizens should advance doctrines so utterly untenable—so contrary to the uniform practice of our Government—and so completely condemnatory of their own unceasing requisitions on Congress?

"What will be the effect of a prohibition of 'foreign merchandise, as extensive as that now to 'be effected, but an immediate reduction in value 'of the labor and capital of the cultivator, to the 'whole extent of the increased price that he must 'give for the American manufacture?"

"One arm of the nation will either be cut off, 'or maimed forever, under the vain expectation 'of promoting a better circulation in the other."

"If we take nothing from Great Britain, she 'may take nothing from us, if she can obtain the 'same thing from her own colonies, or from a 'friend that will at the same time become a customer."

The high character of the respectable body from whom the memorial emanates, forbids the idea that they did not believe what is here asserted—but it required a high degree of excitement to entertain such apprehensions. That "an arm of the nation will be cut off;" that we are "to take nothing from Great Britain;" and that "a prohibition of foreign merchandise," are to be the results of imposing additional duties, which do not average ten per cent. except on one or two articles of worthless texture, is really so extravagant an idea, as to excite astonishment how it could ever have been entertained. The highest duty proposed by the new tariff, on all the leading articles, is lower than the lowest of the duties in Great Britain. Yet no one has pretended that the British have ever "cut off one of their arms" or legs. As well might we assert, that paring the excrescences of a man's nails, was cutting off his leg or his arm, as that the imposition of even double the duties contemplated by the new bill, would "cut off one arm of the nation."

"It is intended by this portentous bill to change 'the relations of the United States with the whole 'world—to compel her to manufacture all she 'consumes—to depend for nothing upon a foreign 'country which it is physically possible for her to 'make—and to withdraw her sanction from the 'mutual relations of dependence and exchange, 'upon which the refinement and the happiness of , the world have been heretofore supposed to de-, pend."

It is impossible to express the astonishment and regret we feel at the terrific picture thus drawn of the consequences of a bill, which, we beg leave to repeat, imposes additional duties of 5, 6, 8, and at most 10 per cent. except on a few articles, wholly unimportant in themselves. To those who have not seen the bill, it might seem to be an absolute prohibition of foreign commerce altogether.

It is to be lamented, that the best measures ever devised have been frequently rendered unpopular and defeated, by ascribing to them consequences, to the last degree improbable. We appeal, on this point, to the sober sense of the respectable President of the Chamber of Commerce, and take the case of chintzes, silks, broadcloths, and Brussels carpets, in full disproof of the terrifying predictions thus hazarded. Will it be said, that a lady will forego the use of the fine chintz or silks for her gowns because, by the new duties, she will have to pay ten, fifteen, or twenty cents per yard more for them? Will a gentleman renounce the use of superfine imported broadcloth, because a coat, which requires two yards, at ten dollars per yard, will cost him a dollar and a half additional? Will he abandon the use of Brussels carpets, to ornament his rooms, because by the new duties they will cost 20 or 30 cents more per yard? We might thus go through all the details of this "portentous bill!" as it is ludicrously styled, against which all the angry passions of the nation are unjustly and causelessly excited, and expose the weakness of the objections—and the transcendent error of descanting on "changing the relations of 'the United States with the whole world!" and—"withdrawing our sanction from the mutual re-'lations of dependence and exchange, upon which 'the refinement and the happiness of the world 'have been heretofore supposed to depend!" but we forbear, trusting that the Chamber of Commerce, as soon as the present excitement has subsided, will deeply regret lending itself to such a hideous and unjust portrait of a salutary bill, calculated not merely to rescue their fellow-citizens the manufacturers, from distress and suffering, but for the benefit of the whole nation.

"The tariff is not wanted for the existing man-'ufactures of the country. Under laws which 'from time to time have been passed for their aid, 'all of them operating, nevertheless, as restrictions 'upon commerce, and a tax upon the cultivator 'and consumer, they have prospered, and now 'prosper."

Here is an unqualified assertion, decidedly contradicted by the fact. We will confine ourselves to the cotton and woollen manufactures, though we might enumerate twenty more, which are languishing, and require additional protection. The coarse cotton manufacture, being protected by a high duty, has attracted so large a portion of capital and industry, which could not find other employment, in consequence of the want of adequate protection for so many others, that it now languishes extremely in this part of the country. Many of the establishments are either wholly or partially suspended. There are at this hour in the city of Baltimore, immense stocks of cotton goods, and 400,000 lbs. of yarn, for which there is no demand; and many of the spinners and weavers are obliged to suspend their operations. Bankruptcy threatens the proprietors, for want of a market for their productions. The woollen manufacture is in a still more drooping state. Many of the manufactories in this neighborhood are closed—the proprietors in depressed circumstances—and their work-people discharged. One-half of the woollen manufactories in Rhode Island are closed, and those that are still employed are continued in the hope of at length being adequately protected by the Government. The woollen manufactures of Massachusetts are likewise in a depressed state. And yet, in the face of these strong facts, the world is assured that the modification of "the tariff is not wanted for the existing manufactures!"

"The perfectly well known prosperity of some of the manufacturing establishments of this country, is, however, a better argument than any derived from the amount of duty and charges on the foreign fabric; for if, to refer to one case alone, a joint stock company in the vicinity of Boston is, and for some time past has been, able to make a dividend of annual profits, exceeding twice or three times the ordinary interest of money, maintaining and improving its capital at the same time, where is the occasion for further aid? Do others want their skill? Then it is skill that is wanted, and not public bounty."

"What is done so regularly by one manufacturer, may be done, with similar means, by more; and the means are not to be given by the law, but by the manufacturer."

We sincerely rejoice that an appeal is made to the case of the Waltham factory. It is an overwhelming one, and, if experience were allowed to prevail, ought to settle the question of high duties forever, without appeal. Nothing could be more unfortunate for the views, or more subversive of the theory of the Chamber of Commerce. The duties on coarse cotton goods, which form the great mass of the manufactures of Waltham, were from 50 to 100 per cent., and were liable to the objection now strenuously urged against the minimum duty on coarse woollens. Those articles, used wholly or chiefly by the poor, were subject to the above high duties, averaging 75 per cent. (and the lower the price, the higher the per centage of duty,) while the most splendid chintzes, calicoes, mull mulls, &c., were subject to only 25 per cent. We appeal to this entire nation, whether experience, the only true test of theory, has not most unequivocally, in this case, put down all the gloomy anticipations which were hazarded on the subject of "taxing the many for the benefit of the few," by high or prohibitory duties? Has not this duty conferred a solid benefit on "the many?—has not the result been to furnish the poor with a strong, lasting article, as a substitute for a wretched, unserviceable one, and at about half the former price? And such has been the advantage of the powerful protection thus afforded—so completely is the manufacture established—so high is the reputation, and so reasonable the price of this species of goods, that the first East India merchant in this city, and one of the first in the United States, has recently declared that, if the duty were now repealed, the East India article could not be imported to compete with our own substantial manufactures Such has been, and such ever will be, the effect. of duties sufficiently high to protect manufactures in their nascent state.

On the subject of "the annual profits exceeding twice or three times the ordinary interest of money," we only observe, if this were correct, it would prove nothing to the purpose—any more than the successful commerce of Mr. A—, of Boston, Mr. B—, of New York, or Mr. C—, of Philadelphia, gentlemen possessed of enormous capitals, and of course enabled to carry on business to immense advantage, would prove that commerce in general is prosperous. The proprietors of the Waltham factory possess an immense capital, and enjoy all the advantages which such a capital insures its possessors. But the assertion is not warranted by the fact. A large proportion, probably one-half, of the profits of that establishment, we are assured, is derived from the manufacture of machinery. And it is much to be regretted that such very erroneous impressions on this subject, have been allowed to prevail so long uncontradicted.

To the query "where is the occasion for further aid?" we reply, that if the Waltham, and other factories of that description, prosper under duties averaging about 75 per cent., it affords no proof that the manufacturer of woollen goods, who has only a protection of 25 per cent.—or the manufacturers of iron, steel, brass, copper, tin, or lead, who have only one of 20 per cent., do not "want further aid." Dives, with his tables groaning under the choicest viands that plenty, with her cornucopia, could lavish on him, might as well ask why Lazarus "had occasion for further aid," as any inference lie from the case of Waltham, to bar the poor manufacturer of woollen blankets of any further protection than 15 per cent.—the manufacturer of cotton stockings anything beyond 20—or the manufacturer of linen, whose rival comes into the market with a bounty from his Government as high, and in some cases higher than the duty here. The British bounty on the exportation of linens, at six pence per yard, is one penny half penny, or 25 per cent. Our duty is only 15!

"They cannot believe that the effect of the tariff is to raise the price only for a short time, and then to bring it down forever below its former range. There is no experience to justify the assertion."

It is deeply to be regretted, that, in the discussion of subjects of such vital importance to the welfare and prosperity of the nation, facts are so very frequently overlooked, disregarded, or positively misstated. We are here informed, in the most unequivocal manner, that "there is no experience to justify the assertion," that adequate protection of manufactures by high duties, "brings down the price forever below its former range." It is wonderful that so respectable a body as the Philadelphia Chamber of Commerce should stand committed for such a declaration, in the face of the case of coarse cottons, on which we have already dilated sufficiently, and which might be regarded as deciding this question finally. Nails, of which immoderate quantities were formerly imported, at high rates, were, in 1817, burdened with a duty of four cents per pound, which was about fifty per cent. of the price in Great Britain. They are now manufactured here in superabundance, of superior quality, and sold at six cents per pound, which is cheaper, by thirty per cent. than formerly. This fairly disproves the assertion of the Chamber of Commerce. The observation may be extended to all kinds of chemicals—to manufactures of leather—to printing types—to books—and, in a word, to every article whatever, which, being fully protected, encourages the employment of adequate capital, and creates sufficient competition. On this all-important topic, we beg leave to quote the sound and irrefutable maxim of Alexander Hamilton:

"When a domestic manufacture has attained ' to perfection, and has engaged in the prosecution ' of it a competent number of persons, it invariably ' becomes cheaper. * * * The internal competi' tion which takes place, soon does away every ' thing like monopoly, and by degrees reduces the ' price of the article to the minimum of a reasona' ble profit on the capital employed. This accords ' with the reason of the thing, and with expe' rience."

"Above all, will the influence of the new tariff ' be prejudicial to the interest of the agricultural ' States."

This assertion is not founded. Agriculture languishes for want of a market for its surplus produce. Breadstuffs, the staple on which at least three or four million of our citizens (nearly half the agricultural portion of our population) depend for support, are absolutely prohibited in almost every part of Europe. With our export of tobacco, the growth in that quarter materially interferes. We export less in quantity and value, of tobacco, flour, rice, and the products of the forest, than we did in 1801, although our population has nearly doubled since that time. Our cotton has become so great a drug, that there were on hand in Great Britain, at the close of the last year, 199,745 bales, being not far short of half the import of that year from the United States, which was 448,164 bales—and sixty per cent. of the consumption of our cotton for the same period, which was only 334,415. There is scarcely a market in the world, in which our flour is received, where it is not very frequently a drug. And, as respects tobacco, Curwen & Hagerty, as intelligent merchants as any in Great Britain, under date of December 31, 1823, furnish the following melancholy statement for the planters of that article:

"Tobacco is very unsaleable, and lower than ' we have ever before known it. The exports ' from the United States have so overwhelmed ' every market in Europe, that there is absolutely ' no outlet for exportation from this country, and ' no prospect of the stock on hand being con' sumed in it. We have upwards of 31,000 hogs' heads in Britain and Ireland, whilst the con' sumption does not exceed 14,000 hogsheads! ' The stock on the Continent is estimated at ' 44,000, making a total stock in Europe of 75,' 000 hogsheads, being 10,000 more than one ' year's consumption! Under such circumstances, ' immediate improvement in this article would ' appear impossible."

Under these calamitous circumstances of our three great staples, can it be "pernicious to the interests of agriculture," as the Chamber of Commerce asserts, to make a domestic market for that produce of the soil which the foreign world unkindly refuses in exchange for her manufactures, or which, if received by her, is shipped in such quantities as to glut all the foreign markets?

"We must prepare to see the East Indies, the ' Brazils, the Black Sea, every quarter of the habi' table globe, stimulated by bounty to itself, and ' by restrictions upon us, to take our place in the ' markets of Europe, and to leave these commodi' ties upon our hands."

As this threat, so degrading to the dignity of an independent nation, has been frequently held out and employed to terrify the Southern States, it is proper to examine it at length. This commercial hostility, painted in such strong colors, is as much as could possibly take place, in the event of a sanguinary warfare—indeed, more than did occur during our late war. We imported from Great Britain in the year 1822, to the amount of $34,806,287, and exported only $24,498,347, leaving a balance against us of $10,400,000, which absorbed the proceeds of our commerce with the rest of Europe, and a large portion of that with the rest of the world. We supplied her with the produce of the soil in its rudest state, whereon she supported about 1,500,000 of her subjects. We received manufactures from her, highly elaborated, and increased in value three, four, five, and ten fold, which might have afforded employment to one million of our citizens. Notwithstanding the immense disparity of advantage in this commerce—a commerce more advantageous than any one nation ever carried on with another—far more advantageous to Great Britain than her mines to Spain, she will not, unless when in danger of famine, allow a single barrel of our flour to be consumed by those millions of people who are employed to supply us with manufactures. And yet, while we patiently submit to the exclusion of one of our great staples, to the impoverishment and severe depression of the farming interest, we are threatened with her resentment if we dare attempt to increase our duties on her manufactures, with restrictions upon our cotton and our tobacco, if we exercise the right of an independent nation.

Will any American, possessed of the spirit of independence, submit to the idea that Great Britain may and does exclude the grand staple of nearly one-half the nation, and that the United States must not dare to increase the duties on the manufactures of Birmingham, Sheffield, Leeds, and Manchester, lest she should prohibit or restrict the use of our tobacco or our cotton? The free mind revolts at such a degrading idea. Of tobacco, she consumes, as we have shown, only 14,000 hhds.

per annum, and our cotton she can no more dispense with, than she could dispense with receiving our grain and flour in the event of a famine. Without any such daring offence as imposing extra duties on her manufactures, to protect our own, and to reduce our expenses within our income, she received, in 1817, 1818, 1819, and 1820, from the East Indies, 613,935 bales of cotton, whereby the price of our staple was reduced fifty per cent., which spread distress and embarrassment among our planters, and bankruptcy among the shippers. And should the crops in that quarter, in the Brazils, or Egypt, prove superabundant, her merchants will import the surplus into her markets, in the way of trade, without intending us any evil, and regardless whether we lay on new duties, or take off the old. These are considerations by which merchants are not affected. And it is a disparagement and outrage to the character and wisdom of the Government of Great Britain, to suppose that it would descend to such a step, in order to disable the best customer of the nation from being able to pay for her merchandise. Let it be observed, however, that notwithstanding the immense benefits Great Britain enjoys from our trade, she favors the cotton of the negro empire of Hayti, in preference to ours! Cotton from the dominions of Boyer, is imported into Great Britain duty free—whereas that from the United States pays six per cent.

"If the cottons of the United States average half ‘ a million of bags annually, beyond the domestic ‘ consumption, bringing to the cultivator upwards ‘ of $20,000,000, at low prices; if not more than ‘ fifty thousand bags are returned upon us in manu- ‘ factured goods from all the world," &c.

This, we respectfully represent, is one of those wayward arguments, which recoil on the authors with tenfold force.

We shipped of cotton, in 1822, to

Great Britain - - - -	450,686	bales.
Havre - - - - - -	73,328	
To other ports of France, supposed	25,000	
Total - - - -	549,014	bales.

The proceeds were, according to the Treasury returns, $24,035,058. We imported in the same year about $10,000,000, of goods, produced not from 50,000 bales, as stated, but about 35,000, according to estimates made by mercantile men of sound judgments. Thus it appears, according to the Chamber of Commerce, that less than one-tenth, but in reality one sixteenth part of our export of cotton, paid us for two-fifths of the whole. And this is the gainful trade, for the preservation of which such an ardent struggle is made! Can any thing prove more clearly the immense superiority of the European system over ours? Two-fifths of 549,014, or 219,000 bales, are paid for by 35,000, or at most by 50,000, leaving the balance to support the Governments, employ the capitals, enrich the capitalists, and feed the population of Europe, while many of our own are suffering intensely!

"If our tobacco amounts to nearly 100,000 hogs- ‘ heads beyond domestic consumption, producing ‘ to the grower eight or nine millions of dol- ‘ lars—if the returns for their value, now made in ‘ foreign fabrics, are not to come hereafter in that ‘ shape, the United States must prepare not to see ‘ them come at all."

Where the means of information were so easily procured as in this case, this loose mode of argument ought to have been avoided. The export of tobacco is far from 100,000 hogsheads—and the amount far from eight or nine millions of dollars. The average of the four years 1819, to 1822, inclusively, (we have not the returns for last year,) was only 73,000 hogsheads, and value $6,750,000. Great Britain and Ireland, in 1822, received from us only 28,000 hogsheads, amounting to $2,690,000, of which a considerable part was for exportation. Their consumption, we once more repeat, is only about 14,000 hogsheads.

"How little they partake of the evils under ‘ which the commerce and agriculture of the coun- ‘ try now suffer, need not be remarked. It is at ‘ present the most flourishing branch of American ‘ industry."

"This branch of industry [commerce] has con- ‘ fessedly suffered more than any other by the ‘ events of recent years. It has borne its disasters ‘ patiently. They have been the inevitable conse- ‘ quences of events, which, although caused by ‘ man, man has neither by action nor legislation ‘ been able to prevent, and scarcely to mitigate."

Nine years have elapsed since we closed our war, in a state of prosperity; every man, woman, and child in the country, able and willing to work, employed. We have advantages, natural, moral, and political, never exceeded, perhaps never equalled. Yet here is an open and precious confession, that two of the great branches of industry, agriculture and commerce, are in a suffering state. The third branch, manufactures, with some few exceptions, is also suffering, as we have already stated. We trust it cannot be denied that such a state of things must be produced by an unsound policy; for nothing but such a policy could have entailed on this country the variety of suffering and distress experienced since the close of the war —which are still severely felt—and to which nothing but a radical change of that policy, can apply a remedy. We respectfully represent, that there is a wonderful discrepancy in the statements of the opposers of any modification of the tariff. At one time it is asserted, with all the confidence that truth ought to inspire, that the country is, and has at all times been, prosperous and flourishing, and that it would be unwise to change such a happy state for the sake of experiments which might mar our prosperity! At another, as in the present case, the calamitous situation of affairs, which meets the eye in almost every quarter of the country, is, with equal confidence, alleged as a reason for adhering to a policy which paralyzes the industry of a nation as intelligent, as enterprising, and energetic, as any in the world—a nation which requires only a sound policy to rise to a level with the greatest nations of Europe, in point of "wealth power, and resources."

"England has grown rich in spite of her restric-

'tions upon trade, and not by means of them. ' Her wisest statesmen are desirous of removing ' them, and can trace, with unerring certainty, to ' their operation, a large part of the oppression ' under which the fundamental interest of that ' nation languishes, and is doomed to languish."

This is an assertion contradicted by the whole tenor of history, and has been refuted times without number. It is scarcely possible to produce a greater error. Previously to the reigns of Edward III. and Edward IV., England was feeble and poor, and dependent for her clothing on her neighbors, who purchased her wool, and sold it back again to her in a manufactured state, at three, four, five, and six fold advance. Those wise princes laid the solid foundations of her prosperity and greatness, by "restrictions" and bounties. To those "restrictions" of the interference of foreign rivalship—to the rigorous, undeviating, and unceasing protection of her domestic industry—to her collecting from all the nations of the earth raw materials to employ her people, and selling back those materials manufactured, as she does our cotton, at an advance of three, five, ten, and twenty fold, she owes her prosperity. By those restrictions alone she has fostered her manufactures to their present flourishing state. We instance that of cotton goods, thus brought to such extent and perfection, that it affords employment to five hundred thousand families, averaging four persons each. Out of a raw material, of which she does not raise one pound, and which costs her but $22,500,000 per annum, she produces $180,000,000, and thereby lays the whole world under contribution. Whereas, the United States, which raises more than two-thirds of the whole consumption of Europe and America, and exports nearly five-sixths of her crops, receives only about twenty, twenty-two, twenty-three, or twenty-four millions of dollars, for that portion! She produces out of what she manufactures only about $25,000,000. We respectfully submit to your honorable Houses, that the history of the world can scarcely produce a greater sacrifice of the means of national prosperity and happiness. It might as well be asserted, that the earth brought forth its fruits, in spite of the sun or rain, as that the magnificent manufactures of Great Britain, allowed by all the world to be the basis of her transcendent "wealth, power, and resources," the birth of which was coeval with, and which owe their maturity to, restrictions, "flourish in spite of those restrictions."

That "her wisest statesmen are desirous of removing those restrictions," is not, we believe, by any means correct. If they had any such desire, they might easily accomplish their purpose. They have advantages beyond what any other nation ever possessed, in point of capital, machinery, and skill; and yet they dare not open their ports to foreign manufactures. Their tariff has been revised so lately as 1819, and published in 1820; and the old complicated duties consolidated; but no repeal or relaxation has taken place to admit the consumption, in Great Britain, of foreign manufactures. All non-enumerated articles, and nine-tenths of the enumerated manufactures, are subject to 50 per cent. duty; those of cotton and leather to 75, glass to 80, linen sails to 104, and chequered or printed linen to 172. Here is fact against assertion. It is true, some of their theorists, like our own, hold out the idea of a relaxation of duties and unrestrained intercourse; but, until they act upon the system, their sincerity on the subject may be well doubted. It would not be extraordinary, if those plausible theories were urged with a view to affect the policy of other nations.

"She is emphatically the example of all that ' individual skill, enterprise, and intelligence, can ' achieve for the production of wealth, and of all ' that perverted legislation can do to make it ' fruitless of national happiness."

This is quite contrary to the facts of the case. Great Britain is "emphatically an example" of what a sound legislation "can achieve" by the protection of national industry; and what wild ambition and wasteful wars "can do to make it fruitless of national happiness." Her resources have exceeded, and now exceed, those of any other nation, ancient or modern—all the result of the consummate skill of her statesmen. Amassing wealth in every quarter of the globe by her manufactures, she was enabled, with ease, to raise $4,630,000,000 by taxes, and to borrow $2,070,000,000, during the wars of the French revolution. She is now paying off her national debt; has diminished her taxes to the amount of $90,000,000 per annum; has had, notwithstanding this extraordinary reduction of taxes, a surplus of revenue beyond expenditure of $22,500,000 in 1822, and the same in 1823; her manufactures, of every kind, as well as her imports and exports, are rapidly increasing; she abounds in wealth, so that her subjects are the general bankers of all the needy emperors, kings, and commonwealths, in the world; and has reduced the rate of interest to three per cent. What a heart-rending contrast the United States exhibited when in a belligerent state! What a heart-rending contrast she now exhibits! After a peace of thirty years, enjoying a most extensive commerce for nearly twenty, during a great portion of which time our merchants were the carriers for half the commercial world; the United States was unable to raise more than $36,000,000 during a war of thirty months—had to eke out the residue of her expenses by exchequer bills, and loans procured with great difficulty—found herself in two years with a bankrupt Treasury, and in a state of extreme peril; and at present there is a general complaint of distress and embarrassment from every quarter of the Union, with few exceptions. Agriculture is suffering by the depression of some of her chief staples—commerce languishing—and manufactures, with few exceptions, drooping; parents not knowing what employments to provide for their children; a large portion of the capital of the country, although vastly reduced by our present system, lying idle; as, in the employment of it, there is no security against the overwhelming influence of foreign rivals. The Chamber of Commerce itself confesses, as we have shown, that agriculture and commerce are both in a state of depression; yet the citizens of the United States possess as much "individual skill, enterprise, and intelligence," as the British, or any other people of ancient or modern times. Where, then, lies the immense, the incalculable difference between the state of the two nations? The answer is plain. On the one side, the ægis of Governmental protection is interposed to prevent the industry and the prosperity of the British manufacturers from being crushed by foreign rivals, and to save the country from being drained for the purchase of what it can itself supply. When a man in that country invests any sum, large or small, in any branch of manufactures, he has rarely any other than domestic competition to dread. Our citizens, on the contrary, have to encounter the competition of all the manufacturing nations of Europe, and thousands and tens of thousands of them have fallen in the struggle, in which millions of national wealth have been sacrificed. This is the true secret of the unemployed capital, the existence of which the Chamber of Commerce admits. The merchants, who have at all times strenuously opposed the protection of manufactures, have partaken largely of the distress produced by the policy which they so uniformly and zealously support.

"Foreign nations shall act upon the principle 'of taking no more from us than we do from 'them."

Why should they? We do not act thus. We receive from Great Britain $10,000,000 per annum more than she "takes from us."

"When have the manufacturers, here or in 'England been contented, or able to part with a 'bounty which the law has once given them?"

Just exactly at that point of time when the merchants part with their powerful protection.

"Far less than the duties of the proposed tariff 'would, it is apprehended, give a munificent re'ward to the smuggler. Spain was, and is, a 'country of prohibitions, of restrictive duties, and 'monopolies. According to Bourgoanne, the Gov'ernment lost by smuggling 70 per cent. of its 'imposts."

We regret to find such an alarm sounded on the danger of smuggling, in consequence of a small addition to the existing duties, and are astonished that such an argument, so void of foundation, and so often refuted, should be again brought forward. While the existing tariff abounds with exorbitant duties, two, three, and four-fold the highest proposed to be imposed by the new tariff, as, for instance, an average of above 110 per cent. on teas—200 per cent. on spirits—75 per cent. on wines—50 per cent. on pimento—100 per cent. on pepper—180 per cent. on salt, we respectfully inquire of your honorable Houses, and the nation at large, with what propriety or justice these appeals can be made to the public prejudices, and whether any danger of smuggling can be seriously apprehended from duties of 30 per cent. on woollens—35 per cent. on cottons—or 25 per cent. on manufactures of iron, brass, copper, steel, tin, lead, &c. These are the principal articles proposed to be subjected to extra duties. We are sorry to say that the frequent presentation of the danger of smuggling may operate as an encouragement to persons destitute of principle, to enter on the practice, when they find such a respectable body of citizens holding out this as a necessary consequence of a small increase of duties.

Reference to the case of Spain, the worst administered and most imbecile Government in Europe, is not calculated to aid the cause of the Chamber of Commerce. The same duty was there imposed on the transit of goods from one province to another, as on their importation from foreign nations. When 14 per cent. duty was imposed for conveying merchandise over an imaginary boundary line—when, by the alcavala, a tax of 14 per cent. was levied upon raw materials, and on the manufactures, every time they changed owners, and this regulated by the selling prices, and therefore constantly increasing—when saltpetre, gunpowder, tobacco, sulphur, wax, and quicksilver, were all royal monopolies—it was not wonderful that there were hosts of smugglers to bid defiance to the public authorities. But can this wretched, this abominable system, be for a moment compared with ours?

"Except whatever provisions are necessary for 'enabling the Government to stand the shock of 'war, the danger of legislative interference with 'trade becomes extreme. Be the wisdom, and 'impartiality, and foresight, of the Legislature 'what they may, they are at no time, and under 'no circumstances, perfectly adequate to the task."

This is an assumption not warranted. We have superabundance of coal and iron lying untouched in the bosom of the earth—water power in abundance, running to waste—and thousands of our people only partially employed. Plans, perfectly practicable, whereby those dormant riches of nature might be called into use, and activity given to the industry of our population, might be devised by almost any individual, possessed of a moderate share of "wisdom, impartiality, and foresight."

"Your memorialists are unable to comprehend 'how the country is to be benefited by enticing 'into manufactures that capital which it is said 'now lies unemployed. What difference is it to 'the country, whether the capital lies unemployed, 'or its employment is paid for by an additional 'charge upon the consumer? The country is in 'no respect a gainer by the employment. It is 'not intended by your memorialists to say that 'there is not much unemployed capital in the 'country."

There is no difficulty in comprehending the benefit of putting unemployed capital into circulation. It would give a spring to agriculture, by providing a market for its raw materials—afford profitable employment to thousands, who would otherwise be partially or wholly idle—and add to individual and national wealth.

"What is to be the fate of that capital now 'employed in commerce, and which the tariff is 'to displace?"

Supposing such a displacement to occur, there is an easy answer to this query. Commerce is admitted, by the Chamber of Commerce, to be in a state of depression, principally owing to there being too many engaged in it, as there have always been at every stage of our progress as a nation. If it were in the power of the Legislature of the Union to establish new manufactures, to extend the old, or to create any new employment for a third, or even one-half of the merchants in the country, it would be a blessing to the whole. There would be enough remaining for all the profitable business we can carry on. In whatever proportion new employment is created, in that proportion will the merchants be benefited. The small abridgment which the tariff would cause in the foreign trade, would be amply compensated by an increase in the coasting and export trade.

"The operation of the law must consequently 'fall with more severity on the poorer classes."

This sympathy for the poor might be well spared. The coarse woollen fabrics which are proposed to be subjected to high duties, and which may be thereby excluded, are to the last degree worthless, like the East India coarse cottons; and their place would, as in the latter case, be supplied by strong and durable fabrics of domestic manufacture, and at lower rates. If we feel for the poor, they may be easily relieved, and substantial benefit be conferred on them, by lowering the duties on molasses, brown sugar, bohea tea, and salt, which are about 45, 100, 120, and 180 per cent., while watches, clocks, time-pieces, tartan plaids, bombazets, damask table cloths, silks, satins, Canton crapes, Chambray gauzes, &c., pay but 15; girandoles, lustres, and porcelain, only 20; and plated ware, broadcloths, Cashmere and Merino shawls, Brussels, and other carpets, kerseymere, chintzes, and calicoes, only 25. We respectfully submit that this extraordinary discrepancy of taxation calls loudly for reform.

"The aid of the tariff has been constantly 'asked by the manufacturers, and never given 'back."

We state in reply, that "the aid" of the Government "has been constantly asked," by commerce, and uniformly granted, "and never given back." For eight years have the manufacturers, in their utmost distress, respectfully "asked the aid of the Government," but hitherto in vain.

"To turn over to beggary the ten thousand sea-'men employed in their navigation, and the ship-'builders, boat-builders, blacksmiths, sailmakers, 'ropemakers, riggers, caulkers, joiners, and other 'artisans, employed in their construction."

The deprecation of these calamitous scenes ought to be postponed until such a result be proved or rendered probable; and it is a result which cannot, will not follow. It is the "day-dream" of a heated imagination. The American tonnage employed in the transportation of the articles intended to be subjected to additional duties, for the benefit of manufactures, is not much more than that employed in the trade to Hayti. And the whole of our tonnage employed in the commerce with England in 1822, was only 119,202 tons, whereas in the trade to Cuba, we employed 118,405. There is no consideration of, or sympathy for, the thousands of manufacturers, whom our excessive importations have "consigned to beggary" since the war, nor of those who are daily consigned to the same calamitous state.

"They are sincere well wishers to the manu-'factures of this country. They will always be 'happy to see them prosper, under that due pros-'ecution of them to which individual skill and 'capital, in the present state of the law, are per-'fectly competent."

It is painful to us to state, that we look in vain for the evidence of "well-wishing," in the ardent, systematic, undeviating, and unfortunately successful opposition constantly made, since the first organization of the Government, by the merchants of the United States, to every attempt to protect manufactures—even in the years 1819 and 1820, when at least 30,000 work-people were divested of employment, many of them reduced to pauperism, or to break stones on turnpike roads, at 25, 30, and 37½ cents per day, and when hundreds of the proprietors were involved in destruction, most of whom might have been rescued but for this opposition.

"The practice of no foreign nation leads, as 'your memorialists submit, to a different conclu-'sion."

A slight view of history will prove that this assertion cannot be maintained. Frederick of Prussia regenerated his country, exhausted by long and sanguinary wars, and the destructive inroads of foreign armies, of which two were at once in possession of his capital, by a system of exclusion of foreign manufactures, and of bounties on those of his own country. France is regenerated after her long wars—her subjugation by, and subjection for three years to, hostile armies, and a military tribute of $100,000,000. Russia tried the system of low duties and abolition of prohibitions for the years 1820 and 1821. Ruin spread over the face of the land. In a Government circular, signed by Count Nesselrode, the following melancholy picture of the state of the country is drawn: "Agriculture with-'out a market—industry without protection—lan-'guish and decline. Specie is exported, and the 'most solid commercial houses are shaken. The 'public prosperity would soon feel the wound in-'flicted on private fortunes, if new regulations 'did not promptly change the actual state of 'affairs. Events have proved that our agricul-'ture and our commerce, as well as our manu-'facturing industry, are not only paralyzed, but 'brought to the brink of ruin." Early in 1822, taught wisdom by her intense distress, she enacted a new tariff, containing three hundred and forty prohibitions, which are daily reviving her prosperity. Holland, which adopted a low tariff in 1816, has ever since writhed under its operation. Her manufactures are blasted—circulation is sluggish—her revenue has failed—her real estate is sunk in value one-third—and one-ninth part of her population is reduced to a state of pauperism. In one word, we respectfully state, that there is scarcely an instance on record, of a nation arriving at perfection in manufactures without the protection of Government; and that those nations which are principally devoted to agriculture, are almost universally impoverished, witness Poland, Italy, Spain, Portugal, and Ireland, notwithstanding their transcendent advantages. Whereas, those where manufactures are flourishing, are generally wealthy, and abound in specie—witness France and England. So true is the maxim of Alexander Hamilton—

"The importation of manufactured supplies ' seems invariably to drain the merely agricultural ' people of their wealth. Let the situation of the ' manufacturing countries of Europe be compared, ' in this particular, with that of countries which ' only cultivate, and the disparity will be striking."

"The effect is morally certain. So much so as ' almost to infer the intention in those who pro- ' mote the cause—it is to paralyze and deaden, by ' one blow, that portion of the commercial capital ' of this country which is employed in the pur- ' chase, importation, and distribution, of all that ' the new tariff shall exclude from the country."

We regret, and are astonished at, the insinuation conveyed in these lines. It is not warranted; it is not generous. What! are we to be told that the mannfacturers of the United States, depressed, and many of them in danger of bankruptcy, by the overwhelming influx of foreign rival articles, and seeking of their Government that paternal protection afforded to this class by all the Governments of the old world, except Holland, and by all those of the new, have the barbarous "in- ' tention of paralyzing and deadening, by one ' blow, that portion of the commercial capital of ' the country which is employed in the purchase, ' importation, and distribution, of all that the new ' tariff shall exclude from the country?" We refrain from the expression of the acute feelings this very harsh insinuation is calculated to excite, and trust that its authors cannot fail, on reflection, to regret its use, and to wish it were possible to have it expunged.

The premises being duly considered, we respectfully request your honorable Houses will digest such a system as will secure to your manufacturing fellow-citizens a portion of the efficient protection which, from the dawn of the Government, has been paternally and wisely extended to commerce and tobacco planting.

Signed by order.

WM. TILGHMAN, *President.*

MATHEW CAREY.

Philadelphia, March 10, 1824.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE EIGHTEENTH CONGRESS, BEGUN AND HELD AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 1, 1823.

An Act appropriating a certain sum of money for the relief of Daniel D. Tompkins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to pay to Daniel D. Tompkins, late Governor of the State of New York, out of any money in the Treasury, not otherwise appropriated, the sum of thirty-five thousand one hundred and ninety dollars; being the amount reported in favor of the said Daniel D. Tompkins, by the acounting officers of the Treasury, in compliance with the act of Congress, entitled "An act to provide for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York," passed the twenty-first February, one thousand eight hundred twenty-three.

Approved, December 22, 1823.

An Act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the Military Bounty Lands, lying within the same.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury to cause a complete abstract to be made out and transmitted, for the use of the Territory of Arkansas, to the Governor of said Territory, of all the military bounty lands, which have been patented to the soldiers of the late army, or to their legal representatives, lying within the same, designating the tract, the name of the patentee, and the time when issued.

Approved, January 1, 1824.

An Act concerning discriminating duties of Tonnage and Impost.

Be it enacted, &c., That, from and after the first day of January, one thousand eight hundred and twenty-four, during the continuance of this act, and under the limitations hereinafter mentioned, so much of the several acts imposing duties on the tonnage of vessels in the ports of the United States, as imposes a discriminating duty between foreign vessels and vessels of the United States, is hereby suspended, so far as respects vessels truly and wholly belonging to subjects or citizens of the kingdom of the Netherlands; of Prussia; of the Imperial Hanseatic Cities of Hamburg, Lubec, and Bremen; of the dukedom of Oldenburg; of the kingdom of Norway, of the kingdom of Sardinia, and of the Empire of Russia.

SEC. 2. *And be it further enacted*, That so much of the several acts imposing duties on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty between goods imported into the United States in foreign vessels and in vessels of the United States, be, and the same is hereby suspended, so far as the same respects the produce or manufactures of the territories in Europe, of any of the abovementioned nations, or such produce and manufacture as can only be, or most usually are, first shipped from a port or place in the said territories in Europe, of either of them, respectively, the same being imported in vessels truly and wholly belonging to the subjects or citizens of each of the said nations, respectively, the vessels of each nation importing its own produce and manufactures as aforesaid.

SEC. 3. *And be it further enacted*, That the suspension of the discriminating duties of tonnage and impost, in the two preceding sections of this act prescribed, shall continue, in behalf of each of the abovementioned nations, on condition that, and so long as, the vessels of the United States, and truly wholly belonging to the citizens thereof, and all goods and merchandise, of the produce and manufacture of the United States, laden therein, and imported into any of the ports of the said nations in Europe, respectively, shall be exempted from all and every discriminating duty of impost or tonnage, direct or indirect, whatsoever, other or higher than is levied upon the vessels and merchandise therein imported, belonging to the subjects or citizens of each of the said nations, respectively. But if, in any of the territories in Europe, of either of the said nations, any such discriminating duty shall, at any time, be imposed or levied on vessels wholly belonging to citizens of the United States, or on the merchandise imported as aforesaid in them, then, and from that time, the said suspension herein prescribed shall cease and determine, so far as respects the vessels, and merchandise imported into the United States in them, of such nations; and all the provisions of the acts imposing discriminating foreign tonnage and impost duties in the United States, shall revive and be in full force, with regard to the said nation.

SEC. 4. *And be it further enacted*, That upon satisfactory evidence being given to the President of the United States, by the Government of any foreign nation, that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandise, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost, within the United States, are, and shall be, suspended and discontinued, so far as respects the vessels of the said nation, and the merchandise of its produce or manufacture, imported into the United States in the same; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and merchandise, as aforesaid, thereon laden, shall be continued and no longer.

Approved, January 7, 1824.

An Act supplementary to the act, entitled "An act for the relief of perons imprisoned for debt."

Be it enacted, &c., That the oath prescribed by the act, entitled "An act for the relief of persons imprisoned for debt," passed on the sixth day of January, Anno Domini one thousand eight hundred, may be, in all cases, administered to the person entitled to take the same, either by any judge of the Supreme Court, or by the district judge for the district within which such person may be, or by any person or persons commissioned by any judge of the Supreme Court, or the said district judge, for that purpose.

Approved, January 7, 1824.

An Act to authorize the surveying and making a road from a point opposite to Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint three commissioners, who shall explore, survey, and mark, in the most eligible course, a road from a point on the right bank of the river Mississippi, opposite to the town of Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas; the said commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approves of the said survey, shall cause the plats thereof to be deposited in the Office of the Treasury of the United States, and the said road shall be considered as established and accepted.

Sec. 2. *And be it further enacted*, That the said road shall be opened and made under the direction of the President of the United States, who is hereby authorized to employ the troops of the United States in the completion, or assisting in the completion, of said road.

Sec. 3. *And be it further enacted*, That the said commissioners shall, each, be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day which they shall be necessarily employed, in the exploring, surveying, and marking, said road: And, for the purpose of compensating the aforesaid commissioners and their assistants, and for opening and making said road, there shall be, and hereby is, appropriated, the sum of fifteen thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, January 31, 1824.

An Act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824.

Be it enacted, &c., That the Commissioners of the Sinking Fund be, and they are hereby, authorized to purchase, during the year one thousand eight hundred and twenty-four, any stock of the United States, bearing an interest of seven per centum per annum, not exceeding the sum of eight millions six hundred and ten thousand dollars, upon such terms as they may think proper, not exceeding the following rates above the principal sum purchased, that is to say:

For all such stock as they may purchase before the first day of April next, at a rate not exceeding two dollars for every sum of one hundred dollars, in addition to the interest which would have accrued on that day upon the said stock;

For all such stock which they may purchase between the first day of April and the first day of July next, at a rate not exceeding seventy-five cents on every sum of one hundred dollars, in addition to the interest which would have accrued on the day last mentioned;

For all such stock which they may purchase between the first day of July and the first day of October next, at a rate not exceeding, on every sum of one hundred dollars, the amount of interest which would have accrued on the day last mentioned; and

For all such stock which they may purchase between the first day of October next and the first day of January, one thousand eight hundred and twenty-five, at a rate not exceeding the principal and the interest which shall have accrued at the day of purchase.

Sec. 2. *And be it further enacted*, That the said Commissioners are hereby authorized to make such purchases, under the foregoing restrictions, at such times and places as they may deem most expedient, out of any moneys in the Treasury heretofore appropriated for the redemption of the public debt, or out of any money in the Treasury not otherwise appropriated.

Approved, January 22, 1824.

An Act making appropriation for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the sum of two hundred and sixty-five thousand one hundred and forty dollars, be, and the same is hereby, appropriated, for the compensation granted by law to the Senate and House of Representatives, and to the officers, clerks, and servants, of both Houses of Congress, and for defraying the contingent expenses thereof;

and that the same be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, January 19, 1824.

An Act further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the public service.

Be it enacted, &c., That, in all cases where provision has been made by law for five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle, or who died in the naval service of the United States, during the late war; and, also, in all cases where provision has been made for extending the term for five years, in addition to the first term of five years, the said provision shall be further extended for an additional term of five years, to commence at the end of the second term of five years, in each case, respectively, making the provision equal to fifteen years' half pay; which shall be paid out of the fund heretofore provided by law: and the said pensions shall cease, from the causes mentioned in the laws providing the same, respectively.

Sec. 2. *And be it further enacted*, That, from and after the passing of this act, the act, entitled "An act to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed March the third, one thousand eight hundred and seventeen, be, and the same is hereby repealed: *Provided, however*, That nothing in this act contained shall be construed to prevent the payment of any pension already granted, until the full expiration of the period thereof; nor to affect or impair the rights of any person or persons which may have accrued during the existence of the act hereby repealed as aforesaid.

Approved, January 22, 1824.

An Act to revive and continue in force an act, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the Clerks employed in their offices, and of the Librarian."

Be it enacted, &c., That an act, passed the eighteenth of April, one thousand eight hundred and eighteen, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the Clerks employed in their offices, and of the Librarian," be, and the same is hereby declared to be, revived and continued in force, until the first day of January, eighteen hundred and twenty-six.

Approved, February 20, 1824.

An Act for the relief of the legal representatives of John Michael, deceased.

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized and required to deliver to Jesse Mercer, administrator *de bonis non*, with the will annexed, upon the estate of John Michael, late of Hancock county, in the State of Georgia, deceased, or to the legally constituted attorney in fact of the said Jesse Mercer, administrator as aforesaid, a certificate, numbered one thousand and ninety-five, issued by the New England Mississippi Land Company, in the name of Robert Williams, jr., for twenty thousand acres of land, which said certificate is annexed to a relinquishment executed by the said John Michael, by his attorney in fact, Bowling Hall, bearing date on the twenty-fifth day of February, eighteen hundred and fifteen, and is now on file in the office of the said Secretary of State: *Provided*, That before delivering said certificate, the said Secretary of State shall make and retain a copy of said certificate in his office, and shall also take the receipts of said Jesse Mercer, or his attorney in fact, for the same.

Approved, February 20, 1824.

An Act to extend the time limited for the settlement of private land claims in the Territory of Florida.

Be it enacted, &c., That the time limited for the settlement of private land claims in the Territory of Florida, by an act of the seventeenth Congress, entitled "An act amending, and supplementary to, the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," be, and the same is hereby, extended and enlarged, until the first day of January next, when the commissioners for ascertaining claims and titles to the lands aforesaid, shall make a return of their proceedings to the Secretary of the Treasury, to be laid before Congress.

Sec. 2. *And be it further enacted*, That the claimant or claimants shall not be required to produce, in evidence, a deraignment of title from the original grantee or patentee, but the exhibition of the original title papers, agreeably to the fourth section of an act, passed the eighth of May, eighteen hundred and twenty-two, entitled "An act for ascertaining claims and titles to lands within the Territory of Florida," with the deed or devise, to the claimant, and the office abstract or abstracts of the intermediate conveyances for the last ten years preceding the surrender of Florida to the United States, and, where they cannot be produced, their absence being satisfactorily accounted for, shall be sufficient evidence of the right of the claimant or claimants to the land so claimed as against the United States: *Provided*, That the claim be defined in quantity, and the amount does not exceed the quantity limited in the second section of the act which this is intended to extend: *And, provided*, The conditions required by the laws and ordinances of the Spanish Government, and the treaty between Spain and the United States, shall have been complied with.

Sec. 3. *And be it further enacted*, That no person shall be taken and deemed to be an actual settler, within the provisions of the "Act amending, and supplementary to, an act for ascertaining claims and titles to land in the Territory of Florida," passed on the third day of March, one thousand eight hundred and twenty-three, unless such person, or those under whom he claims title, shall have been in the cultivation, or occupation, of the land, at and before the period of the cession.

SEC. 4. *And be it further enacted*, That so much of the act of which this is an amendment, as authorizes the Secretary of the said Commissioners to demand and receive from the claimants ten cents per hundred words for recording titles to land, be, and the same is hereby, repealed.

SEC. 5. *And be it further enacted*, That the former Secretaries, or those who may now be Secretaries, to the said Board of Commissioners, who shall have received their salary of one thousand two hundred and fifty dollars, from the Treasury of the United States, which is, by law, declared to be their full compensation, shall be, and they are hereby, required to pay over, respectively, to the Commissioners, conformable with the provisions of the original law, all such fees as have been demanded and received by them, which shall be appropriated to defray the expenses of the commission.

SEC. 6. *And be it further enacted*, That so much of the acts of which this is amendatory, as makes void all claims not filed before the first day of December, one thousand eight hundred and twenty-three, be, and the same is hereby, repealed; and it shall be lawful for claims to be filed any time previous to the first day of September next; but all and every claim not filed by that time, shall be held and deemed void and of none effect.

SEC. 7. *And be it further enacted*, That each of the Commissioners heretofore appointed, or who may hereafter be appointed, who has performed, and shall hereafter perform, the duties assigned him, shall receive, from the first Monday in February, until the first day in January next, at the rate of two thousand dollars per annum, in full compensation for his services.

Approved, February 28, 1824.

An Act to authorize the laying out and opening certain public roads in the Territory of Florida.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be opened, in the Territory of Florida, a public road from Pensacola to St. Augustine, commencing at Deer Point, on the Bay of Pensacola, and pursuing the Old Indian Trail to the Cow Ford, on the Choctawhatchy river; thence, to the Ochesee Bluff, on the Appalachicola river; thence, in the most direct practicable route, to the site of Fort St. Louis; thence, as nearly as practicable, on the old Spanish road to St. Augustine, crossing the St. John's river at Picolata; which road shall be plainly and distinctly marked, and shall be of the width of twenty-five feet.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to employ the troops of the United States, stationed in Florida, in such manner as he may think proper, in the completion, or assisting in the completion, of said road.

SEC. 3. *And be it further enacted*, That, for defraying the expenses of opening the said road, the sum of twenty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 4. *And be it further enacted*, That the President be, and he is hereby, authorized to cause to be surveyed and marked out, the most direct and practicable route for a public road from Cape Sable, passing by Charlotte Harbor and Bay of Tampa, to the point where the Suwaney river will be intersected by the road to be opened from Pensacola to St. Augustine, and to cause to be surveyed and marked out, the route for a public road from Cape Florida to St. Augustine.

SEC. 5. *And be it further enacted*, That, for defraying the expenses of the surveys aforesaid, the sum of three thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved, February 28, 1824.

An Act to regulate the surveying of the public and private lands in the southern part of Alabama.

Be it enacted, &c., That all the lands in the State of Alabama shall be attached to the district of the Surveyor of the Public Lands in the State of Alabama, and the surveying of all public and private lands in the said State shall hereafter be made under his direction; and it shall be the duty of the principal Deputy Surveyor of the district east of the island of New Orleans, and east of Pearl river, to return the plats of all private claims within the State of Alabama to the office of the said Surveyor.

Approved, February 28, 1824.

An Act making appropriations for the Military Service of the United States, for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively, appropriated for the military service of the United States, for the year one thousand eight hundred and twenty four, to wit:

For pay of the Army, and subsistence of officers, nine hundred and ninety-four thousand four hundred and seven dollars and five cents, including the sum of one hundred and twenty-eight thousand one hundred and nineteen dollars, for the pay and subsistence of the officers and cadets belonging to the Military Academy at West Point;

For subsistence, in addition to an unexpended balance of twenty-one thousand six hundred dollars, two hundred and sixty-nine thousand three hundred and forty-seven dollars;

For forage for officers, thirty-six thousand one hundred and twenty-three dollars;

For the recruiting service, in addition to an unexpended balance of sixteen thousand dollars, thirteen thousand four hundred dollars;

For contingent expenses for the recruiting service, sixteen thousand eight hundred dollars;

For the Purchasing Department, in addition to the amount of clothing on hand, one hundred and forty-one thousand six hundred and twenty-seven dollars and fifty-nine cents;

For the purchase of woollens, during the year one thousand eight hundred and twenty-four, in advance for the year one thousand eight hundred and twenty-five, twenty thousand dollars;

For the Medical and Hospital Department, in addition to supplies on hand, and an unexpended balance, both amounting to twenty-two thousand seven hundred dollars, ten thousand dollars;

For the Quartermaster General's Department, in addition to an unexpended balance of thirty-five thousand dollars, two hundred and forty-nine thousand dollars;

For the purchase of Gridley's farm, ten thousand dollars: *Provided*, said farm shall not be purchased unless the said farm shall be procured for said ten thousand dollars;

For the contingencies of the Army, fifteen thousand dollars;

For the National Armories, three hundred and sixty thousand dollars;

For the current expenses of the Ordnance service, forty-two thousand dollars;

For pensions to the Revolutionary pensioners of the United States, one million two hundred and ninety-one thousand seven hundred and sixteen dollars and thirty-nine cents;

For the pensions to the invalids, to the commutation pensioners, and to the widows and orphans, three hundred and thirteen thousand one hundred and seventy-four dollars and forty-two cents;

For arrearages in the War Department, prior to the first of July, one thousand eight hundred and fifteen, twenty-six thousand dollars.

Sec. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of Treasury notes, received by such person, to be expended in the public service; but, in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith to the Agent of the Treasury Department the balance due; and it shall be the duty of the said Agent, within sixty days thereafter, to order suit to be commenced against such delinquent, and his securities.

Approved, March 10, 1824.

An Act to repeal, in part, an act, entitled "An act to lessen the compensation for Marshals, Clerks, and Attorneys, in the cases therein mentioned."

Be it enacted, &c., That so much of the act, passed on the eighteenth day of April, Anno Domini one thousand eight hundred and fourteen, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," as prohibits the allowance of daily compensation to marshals, clerks, and attorneys, in the districts in said act mentioned, be, and the same hereby is, repealed; and that there hereafter be allowed to the marshals, clerks, and attorneys, for said districts, the same daily compensation as is allowed to the same officers in other districts.

Approved, March 8, 1824.

An Act for the better organization of the District Courts of the United States within the State of Alabama.

Be it enacted, &c., That the State of Alabama shall be, and the same is hereby, divided into two districts, in manner following, to wit: That part thereof composing the counties of Jackson, Decatur, Madison, Limestone, Lauderdale, Franklin, Lawrence, Morgan, Blount, St. Clair, Jefferson, Walker, and Marion, shall compose one district, to be called the Northern District of Alabama; and the residue thereof shall compose another district, to be called the Southern District of Alabama.

Sec. 2. *And be it further enacted*, That there shall be two terms of the District Court for the Southern District, held at Mobile, in each year, to begin on the third Monday after the fourth Monday in March, and the fourth Monday after the fourth Monday in October; and one term at Cahawba, in each year, to begin on the third Monday in June; and one term of the District Court, for the Northern District, shall be held in Huntsville, in each year, to begin on the second Monday in July; and the District Judge of the United States for the State of Alabama is hereby required to hold the courts aforesaid, and furthermore, to hold one or more special terms, at Cahawba, and at Huntsville, in each year, if, in his opinion, the business of the court shall require it to be done.

Sec. 3. *And be it further enacted*, That the third Monday in December, in each year, shall be a return day for writs and executions, returnable to the said District Court at Cahawba; and the second Monday in January, in each year, shall be a return day for writs and executions returnable to the said District Court at Huntsville; and the parties to such suits as shall be so returned, shall make up their pleadings under such rules as the court shall prescribe, in order to have the causes so returned in a state for trial at the next regular term.

Sec. 4. *And be it further enacted*, That all causes pending in the said District Courts at Mobile and Cahawba, shall be adjourned and continued from the times heretofore prescribed by law for holding said courts respectively, to the times appointed by this act; and all recognizances and process of every description, made returnable to the former terms of holding said courts, shall be returned to the terms herein established, and be as valid as if the time of holding the same had not been changed.

Sec. 5. *And be it further enacted*, That all causes at law, or in chancery, pending in the said District Courts at Mobile and Cahawba, in which the defendant or defendants resided, in the Northern District, at the time of serving the process, shall be transferred to the District Court for the said Northern District, established by this act, and be proceeded in, adjudged, and determined, in the same manner as if originally commenced in said court; and it shall be the duty of the clerks of the said District Courts at Mobile and Cahawba, to transmit, by some safe conveyance, to the clerk of the District Court for the Northern District, the original papers in all such causes, together with a transcript of all proceedings had therein.

Sec. 6. *And be it further enacted*, That all suits hereafter to be brought, in either of the courts aforesaid, not of a local nature, shall be brought only in the district where the defendant shall reside; but if there be more than one defendant, and some of them reside in the Northern and some in the Southern District, the plaintiff may sue in either, and send a duplicate writ to the other, on which he shall endorse that it is part of a suit brought in the district from which it is sent; and the said writs, when executed and returned, shall constitute one suit, and be proceeded in accordingly.

Sec. 7. *And be it further enacted*, That the Judge of said courts shall appoint a clerk of the District Court of the Northern District, who shall reside, and keep his office, and the records and documents appertaining thereto, at the place of holding said court: be entitled to the same fees allowed by law to the clerks of the Southern District, and be subject to the same liabilities and penalties.

Sec. 8. *And be it further enacted*, That the District Attorney heretofore appointed for the District of Alabama shall be the District Attorney for the Southern District of Alabama; and there shall be a District Attorney appointed for the Northern District of Alabama, who shall hold his appointment for the same term, be subject to the same duties, and receive the same salary, fees, and emoluments, allowed to the District Attorney for the Southern District of Alabama.

Sec. 9. *And be it further enacted*, That should the Judge fail to attend at the time and place of holding any of the courts herein mentioned, before the close of the third day of the term, the business thereof shall stand adjourned to the next term.

Approved, March 10, 1824.

An Act to define the boundary line between the Edwardsville and Springfield Land Districts, in the State of Illinois.

Be it enacted, &c., That all that tract of country lying between the Illinois and Mississippi rivers, and south of the base line of the military surveys, be, and the same is hereby, attached to, and made a part of, the land district, the office of which is located at Edwardsville; and all the tract of country lying between the said rivers, and north of the said base line be, and the same is hereby, attached to, and made a part of, the land district, the office of which is established at Springfield, in the county of Sangamo.

Approved, March 16, 1824.

An Act to change the terms of the District Court of the United States for the Kentucky district.

Be it enacted, &c., That, from and after the passage of this act, the sessions of the District Court of the United States, in and for the Kentucky District, shall commence and be holden on the first Monday of May and November, in each year, instead of the terms now appointed by law.

Sec. 2. *And be it further enacted*, That all motions, process, pleas, and suits, returnable to the term of said court heretofore appointed to be holden in April next, shall stand adjourned and continued over to the May term next appointed by this act, and shall be as effectual in law as if the said April term had not been abolished.

Approved, March 24, 1824.

An Act to authorize the employing of certain Assistants in the General Land Office.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to employ in the General Land Office, for a term not exceeding twelve months, one assistant draughtsman and two colorers, for the purpose of completing the maps directed to be made by a resolution of the Senate of the United States, passed on the twenty-eighth day of February, one thousand eight hundred and twenty-three.

Approved, March 24, 1824.

An Act making appropriations for the support of Government for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively appropriated for the service of the year one thousand eight hundred and twenty-four; that is to say:

For compensation to Senators and members of the House of Representatives, their officers and attendants, including the sum of two hundred and sixty-five thousand one hundred and forty dollars, appropriated by an act making a partial appropriation for the year one thousand eight hundred and twenty-four, passed the nineteenth day of January last, four hundred and fifty-three thousand eight hundred and seventy-two dollars.

For expenses of fuel, stationery, printing, and all other contingent expenses of the two Houses of Congress, sixty thousand seven hundred dollars.

For expenses of the library of Congress, including the salary of the librarian, one thousand nine hundred and fifty dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For compensation to the Vice President of the United States, five thousand dollars.

For compensation to the Secretary of State, six thousand dollars.

For compensation to the clerks in the Department of State, per act of the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand nine hundred dollars.

For compensation to the messengers in said Department, including the messenger in the Patent Office, one thousand four hundred dollars.

For the incidental and contingent expenses of the Department of State, including the expenses of printing the laws, and for extra copying of papers, twenty-seven thousand three hundred and fifty dollars.

For compensation to the Secretary of the Treasury, six thousand dollars.

For compensation to the clerks in the office of the Secretary of the Treasury, per act of the twentieth April, one thousand eight hundred and eighteen, ten thousand dollars.

For compensation to an additional clerk, as allowed per act of appropriation of one thousand eight hundred and twenty-three, one thousand one hundred and fifty dollars.

For compensation to messengers in said office, one thousand and fifty dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks in the office of the First Comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.

For compensation to the messengers in said office, one thousand and fifty dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Second Comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars.

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the First Auditor, thirteen thousand two hundred dollars.

For compensation to the messenger in said office, seven hundred dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Second Auditor, fourteen thousand four hundred dollars.

For compensation to the messenger in said office, seven hundred dollars.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Third Auditor, twenty-three thousand three hundred and fifty dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of allowances.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Fourth Auditor, per act of the twentieth April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of allowances.

For an additional clerk in said office, for the year one thousand eight hundred and twenty-four, one thousand dollars.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Fifth Auditor, per act of twentieth of April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.

For two clerks, to complete the duties of the Commissioner of the Revenue, transferred to the office of the Fifth Auditor, two thousand five hundred and fifty dollars.

For one clerk, on the business of the agent of the Treasury, transferred to the office of the Fifth Auditor, one thousand one hundred and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks in the office of the Treasurer, per act of the twentieth of April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.

For compensation to an additional clerk, and also for an assistant to the chief clerk, as allowed since the first of January, one thousand eight hundred and nineteen, one thousand two hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks in the office of the said Commissioner, per act of the twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.

For compensation to such persons as may be employed to bring up the business in said office, three thousand dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to clerks in the office of the Register, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand three hundred and fifty dollars.

For compensation to the messenger, including the allowance for stamping ships' registers, eight hundred dollars.

For compensation to the assistant messenger in said office, three hundred and fifty dollars, in full of allowances.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For allowance to the person employed in transmitting passports and sea letters; for expense of translating foreign languages, in the office of the Secretary of the Treasury; for stationery, fuel, printing, and all other incidental and contingent expenses, in the Treasury Department, and the several offices therein, including the expenses of stating and printing the public accounts, for the year one thousand eight hundred and twenty-four, twenty-six thousand one hundred and fifty dollars.

For allowance to the superintendent and four watchmen, employed for the security of the State and Treasury buildings; for the repairs of engines, hose, and buckets, one thousand and nine hundred dollars.

For compensation to the Secretary of War, six thousand dollars.

For compensation to the clerks in the office of the Secretary of War, twenty-two thousand and six hundred dollars.

For compensation to messengers in said office, one thousand and fifty dollars, in full of allowances.

For compensation to the clerks in the office of the Paymaster General, three thousand one hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of allowances.

For compensation to the clerks in the office of the Commissary General of Purchases, two thousand eight hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to clerks in the office of the Adjutant General, two thousand one hundred and fifty dollars.

For compensation to clerks in the Ordnance Office, two thousand nine hundred and fifty dollars.

For compensation to the clerks in the office of the Commissary General of Subsistence, two thousand one hundred and fifty dollars.

For compensation to clerks in the office of the Chief Engineer, two thousand one hundred and fifty dollars.

For compensation to the clerk in the office of the Surgeon General, one thousand one hundred and fifty dollars.

For contingent expenses of the War Department, seven thousand dollars.

For compensation to the Secretary of the Navy, six thousand dollars.

For compensation to clerks in the office of the Secretary of the Navy, per act of the twentieth of April, one thousand eight hundred and eighteen, eight thousand two hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For the contingent expenses of the office of the Secretary of the Navy, two thousand five hundred dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Commissioners of the Navy Board, two thousand dollars.

For compensation to the clerks in the office of the Commissioners of the Navy Board, per act of the twentieth of April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.

For compensation to three clerks and a draughtsman, as allowed by the acts of appropriation, since the first of January, one thousand eight hundred and nineteen, four thousand dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For the contingent expenses of said office, one thousand eight hundred dollars.

For allowance to the superintendent and four watchmen, employed for the security of the War and Navy buildings; and for the incidental and contingent expenses, including oil, fuel, candles, and labor, two thousand one hundred and fifty dollars.

For compensation to the Postmaster General, four thousand dollars.

For compensation to the two Assistant Postmasters General, five thousand dollars.

For compensation to the clerks in the General Post Office, per act of the twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand seven hundred dollars.

For compensation to two clerks, as allowed per act of appropriation of one thousand eight hundred and twenty-three, one thousand six hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For the contingent expenses of said office, four thousand dollars.

For compensation to the Surveyor General, two thousand dollars.

For compensation to the clerks in the office of the Surveyor General, two thousand one hundred dollars.

For compensation to the Surveyor south of Tennessee, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, one thousand seven hundred dollars.

For compensation to the Surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.

For compensation to the clerks in the office of said surveyor, two thousand dollars.

For compensation to the Surveyor in Alabama, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, one thousand five hundred dollars.

For compensation to the Commissioner of the Public Buildings in Washington City, one thousand five hundred dollars.

For compensation to the officers and clerk of the Mint, nine thousand six hundred dollars.

For persons employed in the different operations of the Mint, nine thousand four hundred dollars.

For incidental and contingent expenses, and repairs, cost of machinery, and for the allowance of wastage in the gold and silver coinage of the Mint, seven thousand seven hundred and seventy-five dollars.

For compensation to the Governor, Judges, and

Secretary, of the Michigan Territory, eight thousand seven hundred and thirty-six dollars and thirty cents.

For the contingent expenses of the Michigan Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Arkansas Territory, six thousand six hundred dollars.

For the contingent expenses of the Arkansas Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Florida Territory, seven thousand dollars.

For compensation to six Commissioners, to settle land claims in said Territory, twelve thousand dollars.

For compensation to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and Associate Judges of the District of Columbia, seventy-eight thousand and four hundred dollars.

For compensation to the Attorney General of the United States, three thousand five hundred dollars.

For compensation to the clerk in the office of the Attorney General, eight hundred dollars.

For compensation to the Reporter of the decisions of the Supreme Court, one thousand dollars.

For compensation to sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, ten thousand one hundred dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, sixty thousand dollars.

For the payment of sundry pensions granted by the late and present Governments, two thousand one hundred and fifty dollars.

For the support and maintenance of lighthouses, beacons, buoys, and stakeages, including the purchase of oil, keepers' salaries, repairs and improvements, and contingent expenses, and including an unexpended balance of appropriation on the first of January, one thousand eight hundred and twenty-four, of seventeen thousand five hundred and eleven dollars and seventy-three cents; and, also, five thousand dollars in addition to the sum of three thousand five hundred dollars, heretofore appropriated for building a lighthouse near Fort Gratiot, in Michigan Territory, one hundred and nine thousand seven hundred and seventy-four dollars and thirty-three cents.

For payment of the salaries of the Registers and Receivers of the different Land Offices, thirty-nine thousand dollars.

For surveying the public lands, seventy-five thousand dollars.

For continuing the work on the centre building, eighty-six thousand dollars.

For alterations and repairs in the room occupied by the Supreme Court, six hundred and forty dollars.

For improving the Capitol square, and painting the railing round the same, two thousand dollars.

For making a footway in front of the public grounds and open spaces between the Capitol and Navy Office, five thousand dollars.

For stationery and books for the offices of Commissioners of Loans, two thousand dollars.

For rent and repairs of the tenement formerly occupied as a temporary residence by the President of the United States, eight hundred and thirty-nine dollars, twenty-four cents.

For registers for ships and vessels of the United States, and for lists of crews, four thousand dollars.

For sick, disabled, and destitute seamen, in foreign countries, forty thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, six thousand dollars.

For the salaries of the Ministers of the United States to London, Paris, St. Petersburg, Madrid, and Lisbon, the Chargé des Affaires at Madrid from the third of March to the fourth of November, eighteen hundred and twenty-three, and, also, for the Chargé des Affaires at Stockholm and the Hague, fifty-seven thousand five hundred dollars.

For the salaries of the Ministers or Chargés des Affaires of the United States who have been, or may be, appointed to the governments on the continent of America, thirty-six thousand dollars.

For outfits to the Ministers at Paris and Madrid, eighteen thousand dollars.

For salaries of the several Secretaries of Legation, eighteen thousand dollars.

For the contingent expenses of those missions, twenty thousand dollars.

For the salaries of the Agents of Claims at London and Paris, four thousand dollars.

For payment of the salaries of the Commissioner and Arbitrator under the first article of the Treaty of Ghent, and for one-half of the salary of the Secretary and half the contingent expenses of the commission, two thousand five hundred dollars, in addition to the unexpended balance of the appropriation for one thousand eight hundred and twenty-three, for the same object.

For expenses of carrying into effect the sixth and seventh articles of the Treaty of Ghent, including the compensation of the Commissioners, Agents, and Surveyors, and their contingent expenses, sixteen thousand dollars.

For expenses of intercourse with the Barbary Powers, thirty thousand dollars.

For contingent expenses of foreign intercourse, forty thousand dollars.

For compensation for extra clerks employed in the General Post Office during the last year, nine hundred and thirty-nine dollars and twenty-five cents.

For compensation of nine members of the Legislative Council of the Michigan Territory, at two dollars each per day, for sixty days, one thousand and eighty dollars.

For the contingent expenses of the Legislative Council, including the printing of the laws of said Territory, one thousand two hundred dollars.

For the salaries of the Secretaries of the Land Commissioners of East and West Florida, two thousand five hundred dollars.

For compensation and travelling expenses of the members of the Legislative Council of Florida Territory, and for contingent expenses of the Territory, including arrearages for the years one thousand eight hundred and twenty-two and one thousand eight hundred and twenty-three, six thousand six hundred and sixty-two dollars and sixty-four cents, being the unexpended balance of the last year.

For the completion of the medals voted by Congress to certain general officers; to purchase gold for the medals, and to replace General McComb's medal, two thousand three hundred and fifty dollars.

For a draughtsman and two colorers for the General Land Office, authorized by law, three thousand dollars.

Sec. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money, appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into, the Treasury, all sums for which he may be liable: *Provided, also*, That nothing in this section contained, shall be construed to extend to balances arising solely from the depreciation of Treasury notes, received by such person, to be expended in the public service; but in all cases, where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith, to the Agent of the Treasury Department, the balance due; and it shall be the duty of the said Agent, within sixty days thereafter, to order suit to be commenced, against such delinquent and his sureties.

Approved, April 2, 1824.

An Act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war.

Be it enacted, &c., That the pensions of all persons who now are in the receipt thereof, under the provisions of the following laws of the United States, or either of them, to wit: An act passed March fourth, one thousand eight hundred and fourteen, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" and an act passed April sixteenth, one thousand eight hundred and eighteen, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," so far as regards persons receiving pensions from the fund arising from captures and salvage, made by the private armed vessels of the United States, be, and the same are hereby, continued, under the restrictions and regulations in the said acts contained, for and during the additional term of five years, from and after the period of the expiration of the said pensions, respectively: *Provided, however*, That the said pensions shall alone be paid from the proceeds of the privateer pension fund, so called, and without recourse to the United States for any deficiency, (should such occur,) which may hereafter arise thereon: *And provided, further*, That no pension shall be paid to any such widow after her intermarriage, nor to any orphan children of such officer, seamen, or marines, after they shall have attained the age of sixteen years.

Approved, April 9, 1824.

An Act confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes.

Be it enacted, &c., That the official acts and proceedings of James Miller, as Governor of the Territory of Arkansas, from the third day of March, A. D. one thousand eight hundred and twenty-two, to the third day of January, A. D. one thousand eight hundred and twenty-three, be, and the same are hereby, declared to have the same validity, force, and effect, as if the said James Miller had been duly appointed and commissioned, for and during the said term, by the President of the United States, as Governor of the Territory of Arkansas; and he is hereby authorized to have and receive the same salary, pay, and emoluments, as he would by law have been entitled, during the same period, to receive, if he had been so appointed and commissioned as aforesaid.

Approved, April 9, 1824.

An Act to amend an act, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia."

Be it enacted, &c., That, during the continuance of the act, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia," passed the twenty-first April, one thousand eight hundred and eight, the Washington and Alexandria Turnpike Company shall be entitled to demand and receive, by their proper agents, servants, or officers, at the bridge built by said company, over Four Mile Creek, between the town of Alexandria and the City of Washington, the sum of one cent for each and every person passing on foot over said bridge: *Provided always, and it is further enacted*, That, whenever the net proceeds of tolls collected on said road and bridge shall be sufficient to defray the expense of rebuilding the bridge on Four Mile Run, keeping the said bridge and road in a sufficient state of repair, and allow the stockholders dividends, at the rate of six per centum per annum, then, and in that case, the circuit court of the District of Columbia for the county of Alexandria shall determine that the right of said Company to demand the tolls prescribed by this act, or any other tolls, from foot passengers, shall cease.

Approved, April 9, 1824.

An Act to change the terms of the Circuit and District Courts of the United States in the State of Ohio, and one of the terms of the Circuit Court in Kentucky.

Be it enacted, &c., That the circuit court of the United States within and for the district of Ohio, instead of the time now fixed by law, shall be held on the second Monday of July next; and thereafter on the first Mondays in January and June in each year; and the district court of the United States, in and for the said district, shall hereafter be held on the Mondays next succeeding the times herein fixed for holding the circuit court.

SEC. 2. *And be it further enacted*, That the next Fall term of the circuit court of the United States for the district of Kentucky be commenced and held on the second Monday in October next, in lieu of the first Monday in November; *Provided*, That this act shall not be construed to extend to, or embrace, any other or future term of the said circuit court, than the next November term aforesaid.

SEC. 3. *And be it further enacted*, That all recognizances, process, suits, and proceedings, of every kind, whether of a civil or criminal nature, commenced or pending in either of said courts, shall be returned to, proceeded in, and determined at, the terms herein provided for, in the same manner as if the time of holding said courts had not been changed.

Approved, April 22, 1824.

An Act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida.

Be it enacted, &c., That the consent and sanction of Congress be, and the same are hereby, given to the act of the Legislative Council of the Territory of Florida, approved by the Governor of said Territory, on the fourth day of July, Anno Domini one thousand eight hundred and twenty-three, entitled "An act to provide for levying a poll tax."

Approved, April 22, 1824.

An Act to alter the times of holding the District Court of the United States for the District of Illinois.

Be it enacted, &c., That, in lieu of the times now appointed by law, the district court of the United States for the district of Illinois shall be hereafter holden on the third Mondays in June and November, in each year.

SEC. 2. *And be it further enacted*, That all writs, pleas, suits, recognizances, indictments, and all other proceedings of a civil or criminal nature, now pending in, or which are, or may be returnable to, said court, shall be heard, tried, and proceeded with, by the said court, in the same manner as if no alteration of the times for holding said court had taken place.

Approved, April 22, 1824.

An Act supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt."

Be it enacted, &c., That the person or persons who shall or may be commissioned, either by any Judge of the Supreme Court of the United States, or by any District Judge of the United States, to administer the oath prescribed by the act, entitled "An act for the relief of persons imprisoned for debt," passed on the sixth day of January, Anno Domini one thousand eight hundred, shall, and may have full power and authority to issue a citation, directed to the creditor, his agent or attorney, if either lives within one hundred miles of the place of imprisonment, requiring him to appear at the time and place therein mentioned, if he see fit, to show cause why the said oath or affirmation should not be administered.

SEC. 2. *And be it further enacted*, That if the creditor, his agent or attorney, lives within fifty miles of the place of imprisonment, only fifteen days previous notice by citation shall be required.

Approved, April 22, 1824.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That, for defraying the expenses of the Navy for the year one thousand eight hundred and twenty-four, the following sums be, and the same are hereby, respectively, appropriated:

For the pay and subsistence of the officers, and pay of seamen, eight hundred and forty-seven thousand one hundred and forty-two dollars and twenty five cents.

For provisions, in addition to the sum of twenty-five thousand one hundred and twenty-eight dollars and seventy-five cents, the balance of appropriation for provisions unexpended and provisions on hand, three hundred thousand dollars.

For medicines, hospital stores, and all expenses on account of the sick, twenty-five thousand dollars.

For pay, subsistence, and allowances, of every description, to all commissioned and warrant officers employed at the several navy yards and shore stations, also of naval constructors, store-keepers, inspectors, master workmen, clerks of the yards, of the check, and of commanders, and porters attached to the navy yards and store stations, two hundred and thirty-one thousand two hundred and ninety-three dollars and twenty-six cents.

For contingent expenses accruing in the present year, that is to say, for commissions, clerk hire, office rent, stationery, and fuel, to navy agents; premiums, and other expenses of recruiting, freight of provisions, stores, and materials, from one station to another, and from the United States to distant stations in other countries where our ships are employed; allowances to officers at the several navy yards and stations, for house rent, fuel, and candles; travelling expenses for officers, and transportation of seamen: freight of timber, wharfage, and dockage for vessels where there are no public yards; expenses, and a per diem allowance, for attending courts martial and courts of inquiry; compensation to judge advocates; cabinet furniture for vessels in commission; incidental labor at navy yards, which is not applicable to any other appropriation; pilotage of public vessels in the United States, and in foreign countries; printing naval registers, blank pay-rolls, receipt rolls, stewards' returns, seamen's allotment tickets, the proceedings of courts martial; storage of provisions and stores in foreign ports, and in the United States, where public stores are not provided; coals for blacksmiths and anchor-makers, and fuel for steam engines; purchase and maintenance of oxen, carts, large timber wheels, and workmen's tools; chamber money to officers in lieu of quarters, other than house rent; purchase of books, charts, nautical and mathematical instruments, chronometers, machinery, models, drawings, and all stationery, of every description, used throughout the naval service; expense of pursuing deserters; expense of officers in sick quarters; storage of powder; lighterage and scow hire; postage of letters on public service; for per diem allowance to officers engaged in extra service beyond the limit of their stations; for the purchase and repairs of steam and fire engines and machinery; for expenses of burying deceased persons belonging to the Navy; for taxes on navy yards and public property; and for accidents to the public vessels, and for no other object or purpose whatever, one hundred and ninety-five thousand dollars.

For contingent expenses for objects arising in the current year, and not hereinbefore enumerated, five thousand dollars.

For repairs of vessels, and for wear and tear, the sum of three hundred and fifty thousand dollars.

For the improvement in navy yards, docks, and wharves, slips, enclosures, and buildings, of every description, one hundred and fifty-seven thousand five hundred dollars, with authority to purchase, by and with the consent of the Commonwealth of Massachusetts, a slip of land, estimated to contain about nine thousand superficial feet, to straighten the back line of the navy yard at Charlestown, Massachusetts.

For ordnance and ordnance stores, including small arms, manufacture of powder, one thousand dollars, with the unexpended balances of former appropriations, estimated to amount to about nineteen thousand dollars.

For ships' houses, to repay the amount taken from the gradual increase, seventy-eight thousand five hundred dollars.

For pay and subsistence of the Marine Corps, one hundred and seventy-two thousand and ninety-four dollars.

For clothing for the same, twenty-eight thousand seven hundred and sixty-five dollars.

For fuel for the non-commissioned officers, musicians, and privates, six thousand dollars.

For military stores, including stocking arms, armorer's pay, armorer's tools, knapsacks, tents, camp equipage, accoutrements, and ordnance stores, five thousand dollars.

For medicines, hospital stores, and instruments for the officers and marines of the Marine Corps, stationed on shore, two thousand three hundred and sixty-nine dollars and seventy-one cents.

For contingent expenses—that is to say, fuel for commissioned officers, transportation, stationery, bed sacks, straw, extra rations to officers, and postage on public letters—nine thousand dollars.

For repairing barracks at the different stations, and for building new barracks at Portsmouth, ten thousand dollars.

Sec. 2. *And be it further enacted,* That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however,* That no money appropriated by this act shall be paid to any person for his compensation who is in arrears to the United States, until such person shall have accounted for and paid into the Treasury all sums for which he may be liable: *Provided, further,* That nothing in this section contained shall extend to balances arising solely from depreciation of Treasury notes received by such person to be expended in the public service. But in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent or attorney, to report forthwith to the agent of the Treasury Department the balance due. And it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Approved, April 29, 1824.

An Act making appropriations for certain Fortifications of the United States, for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to wit: For fortifications, to each specifically, as follows:

For Fort Jackson, at Plaquemine Turn, on the river Mississippi, one hundred and ten thousand dollars.

For the fort at Chef Menteur, one hundred thousand dollars.

For the fort at Mobile Point, one hundred and twenty-five thousand dollars.

For Fort Monroe, ninety-five thousand dollars.

For Fort Calhoun, ninety thousand dollars.

For topographical reconnoissance, repairs, and contingencies, twenty-six thousand dollars.

For the purchase of a site, and collecting materials for the projected work at New Utrecht Point, one of the works intended to defend the Narrows, in New York harbor, fifty thousand dollars.

For the purchase of a site, and collecting materials for the projected work at Brenton's Point, Narraganset Bay, Rhode Island, fifty thousand dollars.

Approved, April 29, 1824.

An Act to procure the necessary Surveys, Plans, and Estimates, upon the subject of Roads and Canals.

Be it enacted, &c., That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made of the routes of such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail; designating, in the case of each canal, what parts may be made capable of sloop navigation. The surveys, plans, and estimates, for each, when completed, to be laid before Congress.

SEC. 2. *And be it further enacted*, That, to carry into effect the objects of this act, the President be and he is hereby authorized to employ two or more skilful civil engineers, and such officers of the Corps of Engineers, or who may be detailed to do duty with that corps, as he may think proper. And the sum of thirty thousand dollars be and the same is hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, April 30, 1824.

An Act to alter the times of holding the District Court in the District of Missouri.

Be it enacted, &c., That the District Court, for the District of Missouri, shall hereafter be held on the first Monday in March and September, in every year; any thing in any act heretofore passed, to the contrary, notwithstanding.

SEC. 2. *And be it further enacted*, That all writs, pleas, suits, recognizances, indictments, and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with by the said court, at the time fixed in the first section of this act, in the same manner as if no alteration in the times for holding said court had taken place.

Approved, April 29, 1824.

An Act to repeal an act, approved the third March, one thousand eight hundred and twenty-three, entitled "An act for the relief of John B. Hogan."

Be it enacted, &c., That the act approved on the third March, one thousand eight hundred and twenty-three, entitled "An act for the relief of John B. Hogan," be, and the same is hereby, repealed, and that the accounting officers of the Government be authorized to take such judicial measures or otherwise, as may be necessary to compel a settlement of his accounts.

SEC. 2. *And be it further enacted*, That the proper accounting officer of the Treasury Department be, and the same is hereby, directed to carry to the credit of the said Hogan, the amount paid by him, on account of clothing to the Tennessee militia volunteer gunmen.

Approved, April 22, 1824.

An Act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Lieutenant Francis H. Gregory, of the United States Navy, and the officers and crews of two gigs, or small boats, under his command, or to their legal representatives, the sum of three thousand dollars, for the capture and destruction of a British gunboat, called the Black Snake, in the river St. Lawrence, on the nineteenth of June, one thousand eight hundred and fourteen, and that the said sum of three thousand dollars be, and the same is hereby, appropriated, for the purpose aforesaid, out of any moneys in the Treasury not otherwise appropriated.

Approved, May 4, 1824.

An Act for enclosing the Burial Ground of Christ Church, Washington Parish.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to cause to be paid to the vestry of Christ Church, Washington Parish, in the City of Washington, the sum of two thousand dollars, out of any money in the Treasury, not otherwise appropriated, for the purpose of aiding in the erection of a substantial wall around the burial ground of said parish: *Provided*, That the said vestry shall execute a bond to the United States, to be approved by the Secretary of the Treasury, and deposited in his Department, conditioned in the penalty of four thousand dollars, for the faithful application of the money, and execution of the work, and securing to the United States the four hundred sites reserved in said burial ground, for the interment of members of Congress, and others, connected with the General Government.

Approved, May 4, 1824.

An Act declaring the consent of Congress to certain Acts of the State of Alabama.

Be it enacted, &c., That the consent of Congress be, and hereby is, granted to the operation of an act of the General Assembly of the State of Alabama, passed on the thirtieth of December, one thousand eight hundred and twenty-three, entitled "An act to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters;" and, also, to an act passed on the thirty-first of December, one thousand eight hundred and twenty-three, entitled "An act to improve the navigation of the Tennessee river."

Approved, May 13, 1824.

An Act altering the times of holding the Courts in the District of Columbia.

Be it enacted, &c., That the Circuit Court for Washington County, in the District of Columbia, shall hereafter commence and be held on the third Monday of December and first Monday of May, in each year, instead of the days now fixed by law; and the Circuit Court for Alexandria County, in said District, on the fourth Monday of April, instead of the days now established by law; and that all process whatsoever, now issued, or which may be issued, in the respective counties of Washington and Alexandria, in said District, returnable to the days, respectively, now fixed, by law, for each of the said counties, shall be returnable, and returned, on the days prescribed by this act; and all causes, recognizances, pleas, and proceedings, civil and criminal, returnable to, and depending before, the said courts, at the respective times of holding the same, as heretofore established, shall be returned, and continued, in the same counties, respectively, in the same manner as if the said causes, recognizances, pleas, and proceedings, had been regularly returned or continued, to the said respective times appointed by this act for holding the said courts.

Approved, May 13, 1824.

An Act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands.

Be it enacted, &c., That, in all cases where the purchaser, or legal holder, of any certificate of purchase of any of the public lands of the United States, may have obtained a certificate of further credit, under the provisions of an act, passed second March, one thousand eight hundred and twenty-one, entitled "An act for the relief of the purchasers of public lands prior to the first day of July, one thousand eight hundred and twenty," or of the acts supplementary thereto, of the twentieth of April, one thousand eight hundred and twenty-two, and of the third of March, one thousand eight hundred and twenty-three, the person obtaining such certificate, or the legal holder thereof, shall be allowed, at any time prior to the tenth of April, one thousand eight hundred and twenty-five, to file, with the register of the land office, in the district where such land is situated, a relinquishment, in writing, of any section, half section, quarter section, or legal subdivision of a fractional section, made according to the provisions of the existing laws, in relation to the survey and sale of the public lands; and any payment made, on any tract of land so relinquished, shall be applied to the payment of the amount due on any tract retained by said purchaser, or legal holder of a certificate of purchase, which relinquishment shall be allowed only on condition that any such purchaser, or legal holder of a certificate of purchase, relinquish a sufficient quantity of land thereby to complete his or her payments due to the United States, or any lands retained, or pay the balance due, and which may afterwards become due, in money, before or at the time of such relinquishment; and, on the payment of such balance in money, there shall be allowed, on the amount so paid, a deduction of the rate of thirty-seven and a half per centum: *Provided*, That nothing herein contained shall entitle the person making such relinquishment to claim any repayment from the United States, on account of any lands so relinquished: *And provided further*, That nothing herein contained shall authorize any discounts upon payments made by relinquishment.

Sec. 2. *And be it further enacted*, That all purchasers, or legal holders of any certificate of purchase, of any of the public lands of the United States, who may have obtained a certificate of further credit, under the provisions of the several acts above mentioned, or making complete payment, previous to the tenth of April, eighteen hundred and twenty-five, of every instalment now due, and which shall afterwards become payable, shall be allowed, upon the amount so paid, a deduction, at the rate of thirty-seven and a half per centum.

Sec. 3. *And be it further enacted*, That it shall be the duty of the registers and receivers of the land offices of the United States, immediately after the 10th of April, eighteen hundred and twenty-five, to return complete lists of the lands relinquished to the United States, within their districts; and such lands shall be exposed to sale, as other public lands of the United States.

Sec. 4. *And be it further enacted*, That the register and receiver of any land office shall be allowed double the fees given them by the act of the second of March, one thousand eight hundred and twenty-one, for like services, to be paid by the person or persons availing themselves of the provisions of this act.

Sec. 5. *And be it further enacted*, That the provisions of this act be extended to town lots and out lots reserved for that purpose, and sold by the United States on a credit.

Approved, May 18, 1824.

An Act providing for the appointment of an agent for the Osage Indians west of the State of Missouri, and Territory of Arkansas, and for other purposes.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint an agent for the Osage Indians west of the State of Missouri, and Territory of Arkansas, who shall receive for his compensation the sum of fifteen hundred dollars, in full, and that all rations or other allowances made to him, shall be deducted from the sum hereby allowed.

Sec. 2. *And be it further enacted*, That it shall be the duty of each Indian agent to reside and keep his agency within, or near the territory, claimed by the tribe or tribes of Indians for which he may be agent, at such place as the President of the United States may designate.

Approved, May 18, 1824.

An Act to provide for repaying to Bezaleel Wells a certain sum of money by him erroneously paid into the Treasury.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money, not otherwise appropriated, to Bezaleel Wells, of the State of Ohio, the sum of three hundred dollars, being the amount paid by him into the Treasury, on the twelfth day of October, in the year eighteen hundred and twenty-two, by mistake, on account of three several tracts of land, in the district of Vincennes, in the State of Indiana, which had been before that time relinquished by him to the United States, under the "Act for the relief of purchasers of the public lands, prior to the first day of July, eighteen hundred and twenty."

Approved, May 18, 1824.

An Act to amend the several acts for imposing duties on Imports.

Be it enacted, &c., That, from and after the thirtieth day of June, one thousand eight hundred and twenty-four, in lieu of the duties now imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid, the following duties, that is to say:

First. On sail duck, oznaburgs, burlaps, and ticklenburgs, a duty of fifteen per centum ad valorem.

On all manufactures of wool, or of which wool shall be a component part, except worsted stuff goods and blankets, which shall pay twenty-five per centum ad valorem, a duty of thirty per centum ad valorem, until the thirtieth day of June, one thousand eight hundred and twenty-five, and after that time, a duty of thirty-three and a third per centum ad valorem: *Provided*, That, on all manufactures of wool, except flannels and baizes, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem.

Second. On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, and on all manufactures of silk, or of which silk shall be a component material, coming from beyond the Cape of Good Hope, a duty of twenty-five per centum ad valorem; on all other manufactures of silk, or of which silk shall be a component material, twenty per centum ad valorem: *Provided*, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or any place beyond it, and of ten per centum, if imported from any other place, shall be less than thirty cents per square yard, shall, with such addition, be taken and deemed to have cost thirty cents per square yard, and shall be charged with duty accordingly. And that all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly. And all bleached or colored cotton yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be deemed and taken to have cost seventy-five cents per pound, and shall be charged with duty accordingly: *Provided, also*, That the provisions of this act shall not apply to, or be enforced against, importations of goods from ports or places eastward of the Cape of Good Hope, or beyond Cape Horn, before the first day of January next ensuing.

Third. On wool manufactured, a duty of twenty per centum ad valorem, until the first day of June, one thousand eight hundred and twenty-five; afterwards, a duty of twenty-five per centum ad valorem, until the first of June, one thousand eight hundred and twenty-six; afterwards, a duty of thirty per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more.

Fourth. On all Leghorn hats or bonnets, and all hats or bonnets of straw, chip, or grass, and on all flats, braids, or plats, for making of hats or bonnets, a duty of fifty per centum ad valorem: *Provided*, That all Leghorn hats and bonnets, and all hats or bonnets of straw, chip, or grass, which, at the place whence imported, with the addition of ten per centum, shall have cost less than one dollar each, shall, with such addition, be taken and deemed to have cost one dollar each, and shall be charged with duty accordingly.

Fifth. On japanned wares, of all kinds, on plated wares, of all kinds, and on all manufactures, not otherwise specified, made of brass, iron, steel, pewter, lead, or tin, or of which either of these metals is a component material, a duty of twenty-five per centum ad valorem.

On bolting cloths, fifteen per centum ad valorem;

On hair cloth and hair seating, thirty per centum ad valorem;

On marble, and all manufactures of marble, thirty per centum ad valorem;

On all paper hangings, forty per centum ad valorem;

On coach laces, of cotton or other material, thirty-five per centum ad valorem; on all other laces, twelve and a half per centum ad valorem;

On lead, in pigs, bars, or sheets, two cents per pound;

On leaden shot, three and one half cents per pound;

On red or white lead, dry, or ground in oil, four cents per pound;

On Brussels, Turkey, and Wilton carpets and carpeting, fifty cents per square yard;

On all Venetian and ingrain carpets or carpeting, twenty-five cents per square yard;

On all other kinds of carpets and carpeting, of wool, flax, hemp, or cotton, or parts of either, twenty cents per square yard;

On oil cloth carpeting, and on oil cloths, of every description, a duty of thirty per centum ad valorem;

On all other carpets and carpeting, mats, and floor cloths, made of tow, flags, or any other material, a duty of thirty per centum ad valorem;

On hemp, at the rate of thirty-five dollars per ton;

On tarred cables and cordage, four cents per pound;

On untarred cordage, yarns, twine, pack thread, and seines, five cents per pound;

On cotton bagging, three cents and three-fourths of a cent per square yard;

On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, ninety cents per hundred and twelve pounds;

On round iron, or braziers' rods, of three-sixteenths to eight-sixteenths of an inch diameter, inclusive; and on iron, in nail or spike rods, slit; and on iron, in sheets, and hoop iron; and on iron, slit or rolled, for band-iron, scroll-iron, or casement rods, three cents per pound;

On iron spikes, four cents per pound;

On iron nails, cut or wrought, five cents per pound;

On tacks, brads, and sprigs, not exceeding sixteen ounces to the thousand, five cents per thousand; exceeding sixteen ounces to the thousand, five cents per pound;

On iron or steel wire, not exceeding number eighteen, five cents per pound; over number eighteen, nine cents per pound;

On square wire, used in the manufacture of stretchers for umbrellas, twelve per centum ad valorem;

On anvils and anchors, two cents per pound;

On iron cables or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof;

On mill cranks and mill irons, of wrought iron, four cents per pound;

On mill saws, one dollar each;

On blacksmiths' hammers and sledges, two and a half cents per pound;

On muskets, one dollar and fifty cents per stand;

On rifles, two dollars and fifty cents each;

On all other fire-arms, and on side-arms, thirty per centum ad valorem;

On cutting knives, scythes, sickles, and reaping hooks, spades and shovels, of iron or steel, thirty per centum ad valorem;

On screws of iron, weighing twenty-five pounds or upwards, thirty per centum ad valorem;

On screws of iron, for wood, called wood screws, thirty per cent. ad valorem;

On vessels of cast iron, not otherwise specified, one and a half cents per pound;

On all other castings of iron, not specified, one cent per pound;

On all vessels of copper, thirty-five per centum ad valorem:

On quills, prepared or manufactured, twenty-five per centum ad valorem;

On slates and tiles, for building, twenty-five per cent. ad valorem;

On black lead pencils, forty per centum ad valorem;

On tallow candles, five cents per pound;

On spermaceti candles, eight cents per pound;

On soap, four cents per pound;

On lard, three cents per pound;

On wheat, twenty-five cents per bushel;

On oats, ten cents per bushel;

On wheat flour, fifty cents per hundred weight;

On potatoes, ten cents per bushel;

On coal, six cents per heaped bushel;

On corks, twelve cents per pound;

On prunelle and other shoes or slippers, of stuff or nankeen, twenty-five cents per pair;

On laced boots or bootees, one dollar fifty cents per pair;

On linseed, rape seed, and hemp seed oil, twenty-five cents per gallon;

On castor oil, forty cents per gallon;

On ale, beer, and porter, imported in bottles, twenty cents per gallon; imported otherwise than in bottles, fifteen cents per gallon;

On beef and pork, two cents per pound;

On hams, and other bacon, three cents per pound;

On butter, five cents per pound;

On vinegar, eight cents per gallon;

On alum, two dollars and fifty cents per hundred weight;

On refined saltpetre, three cents per pound;

On blue or Roman vitriol, four cents per pound;

On oil of vitriol, three cents per pound;

On Glauber salts, two cents per pound;

On Epsom salts, four cents per pound;

On camphor, crude, eight cents per pound;

On camphor, refined, twelve cents per pound;

On copperas, two dollars per hundred weight;

On Cayenne pepper, fifteen cents per pound;

On ginger, two cents per pound;

On chocolate, four cents per pound;

On currants and figs, three cents per pound;

On plums, prunes, Muscatel raisins, and raisins in jars and boxes, four cents per pound;

On all other raisins, three cents per pound;

On window glass, not above eight inches by ten inches in size, three dollars per hundred square feet; not above ten inches by twelve inches in size, three dollars and fifty cents per hundred square feet; and if above ten inches by twelve inches in size, four dollars per hundred square feet: *Provided*, That all window glass, imported in plates, uncut, shall be chargeable with the highest rate of duties hereby imposed;

On black glass bottles, not exceeding the capacity of one quart, two dollars per groce; on bottles exceeding one quart, and not more than two quarts, two dollars and fifty cents per groce; over two quarts, and not exceeding one gallon, three dollars per groce;

On demijohns, twenty-five cents each;

On apothecaries' vials, of the capacity of four ounces, and less, one dollar per groce; on the same, above four ounces, and not exceeding eight ounces, one dollar and twenty-five cents per groce;

On all wares of cut glass, not specified, three cents per pound, and, in addition thereto, an ad valorem duty of thirty per centum;

On all other articles of glass, two cents per pound, and, in addition thereto, an ad valorem duty of twenty per centum;

On all books, which the importer shall make it satisfactorily appear to the collector of the port at which the same shall be entered, were printed previous to the year one thousand seven hundred and seventy-five; and also on all books printed in other languages than English, four cents per volume, except books printed in Latin or Greek; on all books printed in Latin or Greek, when bound, fifteen cents per pound; when not bound, thirteen cents per pound;

On all other books, when bound, thirty cents per pound; when in sheets or boards, twenty-six cents per pound;

On folio and quarto post paper, of all kinds, twenty cents per pound;

On foolscap and all drawing and writing paper, seventeen cents per pound;

On printing, copperplate, and stationers' paper, ten cents per pound;

On sheathing paper, binders', and box-boards, and wrapping paper, of all kinds, three cents per pound;

On all other paper, a duty of fifteen cents per pound;

A duty of twelve and a half per centum ad valorem on all articles, not herein specified, and now paying a duty of seven and a half per centum ad valorem, with the exception of patent adhesive felt, for covering ships' bottoms, which shall be admitted free of duty until June thirtieth, one thousand eight hundred and twenty-six.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties hereby imposed upon the several articles aforesaid, which, after the said respective times for the commencement of the duties hereby imposed, shall be imported in ships or vessels, not of the United States: *Provided*, That this addition shall not be applied to articles imported in ships or vessels, not of the United States, entitled by treaty, or by any act of Congress, to be admitted on payment of the same duties that are paid on like articles imported in ships or vessels of the United States.

SEC. 3. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed upon the exportation of any articles that shall have paid the same, within the time, and in the manner, and subject to the provisions and restrictions, prescribed in the fourth section of this act, entitled an "Act to regulate the duties on imports and tonnage," passed the twenty-seventh day of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted*, That the drawback allowed by law on plain silk cloths, shall be allowed, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States. But, whenever any such cloths, so imported, shall be intended to be so colored, printed, stained, dyed, stamped, or painted, and afterwards to be exported from the United States, with privilege of drawback, each package thereof shall, before the same shall be delivered from the public stores, be opened and examined by an inspector of the customs, and the contents thereof measured or weighed, and the quality thereof ascertained, and a sample of each piece thereof reserved at the custom-house; and a particular account or registry of such examination, describing the number of pieces in each package, their weight or measure, and the samples thereof reserved, shall be entered in the books of the custom-house; and, after such examination, said goods shall be repacked in the original package, and the said original package shall be marked with the custom-house mark. And, whenever any such goods, being thus colored, printed, stained, dyed, stamped, or painted, shall be entered at the custom-house for exportation and drawback, the same shall be so entered in the original package, marked as aforesaid, and not otherwise, unless the person, so entering the same, shall give satisfactory evidence to the collector or naval officer, or one of them, that such original package has been lost or destroyed by accident; and no such application for drawback shall be made, except on the contents of entire packages; and, upon application for such entry and drawback, the contents of the packages so offered, shall be examined by an inspector of the customs, and measured or weighed, and compared with the original entry, registry, and samples: and if, upon such comparison and full examination, the collector shall be satisfied that the contents of each package are the same identical goods imported and registered as aforesaid, and not changed or altered except by being colored, printed, stained, dyed, stamped, or painted, as aforesaid, then the person, so entering such goods, shall be admitted to the oath prescribed by law, to be used in cases of application for exportation of goods for the benefit of drawback, and shall, thereupon, be entitled to drawback, as in other cases: *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of goods for exportation, with the benefit of drawback. And if any person shall present, for exportation and drawback, any colored, printed, stained, dyed, stamped, or painted silk, or nankeen cloths, knowing the same not entitled to drawback, according to the provisions of this act, or shall wilfully misrepresent or conceal the contents or quality of any package as aforesaid, the said goods, so presented or entered for drawback, shall be forfeited, and may be seized by the collector, and proceeded with, and the forfeiture distributed, as in other cases.

SEC. 5. *And be it further enacted*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act, for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing, to that effect, in the existing laws contained, had been inserted in, and re-enacted by, this act.

SEC. 6. *And be it further enacted*, That the provisions of the second section of the act of Congress, entitled "An act to regulate the duties on imports and tonnage," approved April twenty-seventh, one thousand eight hundred and sixteen, shall extend and inure to the benefit of the schools and colleges within the United States, or the territories thereof, in the same manner, and under the like limitations and restrictions, as is provided in said act, with respect to seminaries of learning.

Approved, May 22, 1824.

An Act to improve the navigation of the Ohio and Mississippi Rivers.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause the navigation of the Ohio river to be improved, over the following sand bars, or either of them, at his discretion, to wit: the sand bar which crosses said river, one mile and a quarter below Flint Island; the sand bar two miles above French Island; the bar just below Henderson; the bar below Straight Island; the bar below Willow Island, in the Mississippi bend; and the bar opposite to lower Smithland, below Cumberland Island; and, for the purpose of ascertaining and directing the best method of carrying the provisions of this act into effect, he may employ any of the engineers in the public service which he may deem proper: *Provided, nevertheless*, That two experiments shall first be made upon two of the said bars, and if in his judgment they shall be successful, then, and not otherwise, he is hereby authorized to cause improvements to be made upon the remaining bars.

Sec. 2. *And be it further enacted*, That, for the purpose of improving the navigation of the Mississippi river, from the mouth of the Missouri to New Orleans, and of the Ohio river, from Pittsburg to its junction with the Mississippi, the President of the United States is hereby authorized to take prompt and effectual measures for the removal of all trees which may be fixed in the bed of said river; and, for this purpose, he is authorized to procure and provide, in that way which, in his discretion, may be most eligible, the requisite water craft, machinery, implements, and force, to raise all such trees, commonly called "planters, sawyers, or snags," as may be found in the current of said rivers at the lowest stage of water, and to saw or cut them off, as near as practicable to the bottom of the stream; and where trees are found upon sand bars, upon the points of islands, or near the bank of the river, which may, at the lowest stage of the water, endanger the safety of navigating said river, they shall, in like manner, be cut, removed, or sawed off: and all roots or limbs, belonging to those parts of said trees which are fastened in the earth, shall be carefully cut away.

Sec 3. *And be it further enacted*, That, for the purpose of carrying into effect the provisions of this act, the sum of seventy-five thousand dollars be, and is hereby, appropriated. And the President of the United States is hereby authorized to draw, from time to time, on the Treasury, for such parts, or at any one time for the whole, of said sum, as he shall judge the service requires; which said sum shall be paid out of any money in the Treasury not otherwise appropriated.

Sec. 4. *And be it further enacted*, That the President be, and he is hereby, requested to cause to be laid before Congress, as soon as convenience will permit, after the commencement of each session, a statement of the proceedings under this act, that Congress may be enabled to adopt such further measures as may, from time to time, be necessary, under existing circumstances. [Ap. May 24, 1824.]

An Act to enable the President to hold treaties with certain Indian tribes, and for other purposes.

Be it enacted, &c., That the sum of ten thousand dollars be, and the same hereby is, appropriated to defray the expenses of making treaties of trade and friendship with the Indian tribes beyond the Mississippi; and that the said sum shall be paid out of any money in the Treasury, not otherwise appropriated.

Sec. 2. *And be it further enacted*, That, for the purpose of negotiating said treaties, on the part of the United States, the President shall be, and he hereby is, authorized to appoint suitable persons for commissioners, and to fix their compensation, so as not to exceed what has been heretofore allowed for like services.

Sec. 3. *And be it further enacted*, That the President shall be, and hereby is, authorized to appoint two sub-agents, to be employed among the Indian tribes, on the waters of the Upper Missouri, whose annual salary shall be eight hundred dollars each, to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 4. *And be it further enacted*, That it shall be the duty of Indian agents to designate, from time to time, certain convenient and suitable places for carrying on trade with the different Indian tribes, and to require all traders to trade at the places thus designated, and at no other place or places.

Sec. 5. *And be it further enacted*, That the Superintendent of Indian Affairs at St. Louis, and his successors in office, shall possess all the powers, and be subject to all the duties of Governors of Territories when exercising the office of Superintendents of Indian Affairs, and shall exercise a general supervision of the official conduct and accounts of Indian Agents, within his superintendency.

Sec. 6. *And be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, to enable the President of the United States to furnish a competent military escort to the Commissioners authorized to be appointed by this act, if, in his opinion, the same shall be necessary.

Approved, May 25, 1824.

An Act to authorize the creation of a stock to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the Treaty with Spain, of the twenty-second of February, one thousand eight hundred and nineteen.

Be it enacted, &c., That, for the purpose of providing funds to discharge the awards of the Commissioners under the Treaty with Spain, of the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to cause to be issued and sold to the Bank of the United States, or others, at a sum not less than the par value thereof, certificates of stock of the United States, to any amount not exceeding the sum of five millions of dollars, and bearing an interest of not exceeding four and one-half per centum per annum from the period of the sale thereof; which stock, so created, shall be redeemable at the pleasure of the United States, at any time after the first day of January, in the year one thousand eight hundred and thirty-two. And, upon the sale of such stock, in manner aforesaid, credit or credits to the proprietors thereof shall thereupon be entered and given on the books of the Treasury, in like manner as for the present funded debt; which said credits or stock shall thereafter be transferrable as other public stock of the United States.

SEC. 2. *And be it further enacted*, That the moneys which may be received from the issuing and sale of the aforesaid certificates of stock, shall, and the same are hereby directed to, be applied to the payment and discharge of the awards of the Commissioners under the Treaty with Spain, of the twenty-second day of February, in the year eighteen hundred and nineteen: *Provided, also*, That, in all cases where the person or persons, in whose name, or for whose benefit and interest the aforesaid awards shall be made, shall be in debt and in arrears to the United States, the Secretary of the Treasury shall retain the same out of the amount of the aforesaid awards, in the first instance, and a warrant or certificate, as the case may be, shall only issue for the balance.

SEC. 3. *And be it further enacted*, That a sum, equal to what will be necessary to pay the interest which may accrue on the said stock, to the end of the present year be, and the same is hereby, appropriated for that purpose, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, May 24, 1824.

An Act providing for a grant of land for the Seat of Government in the Territory of Florida, and for other purposes.

Be it enacted, &c., That there shall be, and hereby is, granted to the Territory of Florida, one entire quarter section of land, or fractional section, not exceeding in quantity one quarter section, for the Seat of Government in that Territory, to be located previously to the sale of the adjacent lands, under the authority of the Governor thereof, at the point selected for the permanent Seat of Government for said Territory.

SEC. 2. *And be it further enacted*, That the Governor and Legislative Council of the Territory aforesaid, or a majority thereof, be, and they are hereby, authorized to adopt such measures as to them may seem expedient for the sale of said tract of land, or any part thereof, for the purpose of raising a fund for the erection of public buildings at said Seat of Government.

SEC. 3. *And be it further enacted*, That there shall be, and hereby are, reserved from sale, three entire quarter sections of lands of the United States, lying contiguous to, and adjoining, the quarter section granted by the first section of this act, to be located by the Governor of said Territory.

SEC. 4. *And be it further enacted*, That so much of the seventh section of the act of Congress of the third of March, one thousand eight hundred and twenty-three, entitled "An act amending and supplementary to the act entitled 'An act to provide for the survey and disposal of the public lands in Florida,'" as prevents the appointment of a surveyor for Florida, until the Commissioners shall have decided and reported on the private claims in said Territory be, and the same is hereby, repealed; and the Eastern and Western land districts in said Territory shall be divided and separated by the Suwaney river, and not by the ancient line of division between the provinces of East and West Florida, as prescribed by the eighth section of the act aforesaid.

Approved, May 24, 1824.

An Act concerning Invalid Pensions.

Be it enacted, &c., That the Secretary of War be and he is hereby directed to place the following named persons on the list of invalid pensioners of the United States, who shall be entitled to and receive pensions according to the rates and commencing at the times hereinafter mentioned—that is to say:

Andrew Gorril, at the rate of eight dollars per month; to commence on the third day of December, one thousand eight hundred and twenty-one.

James Wilson, at the rate of four dollars per month; to commence the first day of January, one thousand eight hundred and twenty-three.

William Parker, Rock, and Thomas, three Seneca Indians, residing at Buffalo, in the State of New York, at the rate of four dollars per month, each; to commence the first day of February, one thousand eight hundred and twenty-three.

Approved, May 19, 1824.

An Act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse Land Districts.

Be it enacted, &c., That claimants of lands within the limits of the land district of St. Helena, as established by the act of the twenty-fifth of April, one thousand eight hundred and twelve, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans," whose claims have been presented to the commissioner appointed to receive and examine claims and titles to lands in said district, or to the register and receiver, acting as commissioners, under the provisions of the act of the third of March, one thousand eight hundred and nineteen, entitled "An act for adjusting the claims to lands and establishing land offices in the districts east of the island of New Orleans, and which have not been reported to Congress, or whose claims have not been heretofore presented to the said commissioner, or to the register and receiver acting as commissioners, be allowed until the first day of January next to present their titles and claims, and the evidence in support of the same, to the register and receiver of the said district, whose powers and duties in relation to the same shall in all respects be governed by the provisions of the acts before recited, and of the act of the eighth of May, one thousand eight hundred and twenty-two, entitled "An act supplementary to the several acts for adjusting the claims to land and establishing land offices in the districts east of the island of New Orleans."

Sec. 2. *And be it further enacted*, That the said register and receiver shall have power to appoint a clerk, who shall be a person capable of translating the French and Spanish languages, and who shall perform the duty of translator, and such other duty as may be required by said register and receiver; and the said register and receiver shall each be allowed, as a compensation for their services, in relation to the said claims, and for the services to be performed under the provisions of the several acts to which this is a supplement, at the rate of one thousand dollars a year; and the clerk at the rate of twelve hundred and fifty dollars a year; and the clerk employed by the said register and receiver, last year, shall be allowed, for the services then rendered by him, nine months' salary, at the same rate; which several sums of money shall be paid out of any moneys in the Treasury, not otherwise appropriated: *Provided*, That no more than two years' compensation be thus allowed to either the register and receiver, or their clerk; and the payment of the whole, or any portion of the aforesaid compensation, may be withheld by the Secretary of the Treasury, until a report shall have been made to him, of the performance of the services for which the same is allowed.

Sec. 3. *And be it further enacted*, That the clerk employed by the register and receiver of public moneys at St. Helena Courthouse, be allowed the sum of one hundred dollars for the services performed by him, as clerk to the said register and receiver of public moneys during the year one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three.

Sec. 4. *And be it further enacted*, That all donation claims which may be presented to the said register and receiver, under this act, and all claims founded on complete or incomplete titles, which may be so presented, not heretofore surveyed, shall be surveyed at the expense of the claimants.

Sec. 5. *And be it further enacted*, That the principal deputy surveyor of the United States for St. Helena district, shall reside at such place, in the said district, as shall be designated by the President of the United States.

Approved, May 26, 1824.

An Act explanatory of an act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of the public lands, approved on the eighteenth day of May, one thousand eight hundred and twenty-four."

Be it enacted, &c., That the benefits and privileges of the act of Congress, entitled "An act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands," approved on the eighteenth day of May, one thousand eight hundred and twenty-four, of which this act is explanatory, be extended to those persons who have obtained certificates of further credit, for any half quarter section, or for any fractional section of land, under the provisions of any of the several laws for the relief of purchasers of public lands, referred to in the said act, of which this is explanatory.

Sec. 2. *And be it further enacted*, That all relinquishments of land, which shall be executed under the provisions of the said act of the eighteenth day of May, one thousand eight hundred and twenty-four, or under the provisions of this act, shall be filed with the register of the land office at which the land was purchased; any thing in the said act of the eighteenth of May, one thousand eight hundred and twenty-four, of which this is explanatory, to the contrary notwithstanding.

Approved, May 26, 1824.

An Act changing the mode of surveying the public lands on any river, lake, bayou, or water course.

Be it enacted, &c., That whenever, in the opinion of the President of the United States, a departure from the ordinary mode of surveying land on any river, lake, bayou, or water course, would promote the public interest, he may direct the Surveyor General, in whose district such land is situated, and where the change is intended to be made, under such rules and regulations as the President may prescribe, to cause the lands thus situated, to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water course, and running back the depth of forty acres; which tracts of land, so surveyed, shall be offered for sale entire, instead of in half quarter sections, and in the usual manner, and on the same terms, in all respects, as the other public lands of the United States.

Approved, May 24, 1824.

An Act to amend an act, entitled "An act to amend an act for the establishment of a Territorial Government in Florida, and for other purposes."

Be it enacted, &c., That the judicial power of the Territory of Florida shall be vested in three superior courts, and in such inferior courts and justices of the peace as the Legislative Council of the Territory may, from time to time, establish. There shall be a superior court for that part of the Territory situated to the west of the Apalachicola, to consist of one judge; he shall hold his court on the first Mondays in May and November, in each and every year, at Pensacola, and at such other times and places as the Legislative Council may direct. There shall be a superior court for that part of the Territory, situated between the Apalachicola and Suwannee rivers, to consist of one judge; he shall hold his court on the first Mondays of April and October, in each and every year, at the seat of government in said Territory, and at such other times and places as the Legislative Council may direct.

There shall be a superior court for that part of the Territory situated to the east and south of the Suwannee river, to consist of one judge; he shall hold court on the first Monday in May and November, in each and every year, at St. Augustine, and at such other times and places as the Legislative Council shall direct. Within its limits, herein described, each court shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all capital offences, and original jurisdiction in all civil cases of the value of one hundred dollars, arising under the laws of the Territory now in force, or which may, at any time hereafter, be enacted by the Legislative Council, and shall have and exercise appellate jurisdiction over the inferior courts of said Territory. Each judge shall appoint a clerk, who shall reside, respectively, at the place where his said court is, or may, by law, be, directed to be held, and they shall keep the records there. Each clerk shall receive for his services, in all cases arising under the laws of the Territory, such fees as shall be established by the Legislative Council. And writs of error and appeal from the final decision of the said superior courts, authorized by this section of this act, shall be made to the appellate court of said Territory, hereinafter provided for, in such manner, and under such regulations, as the Legislative Council may direct; and, until the Legislative Council shall have made such regulations, writs of error and appeal from the decision of the said superior courts shall be made to the appellate court of the Territory, in the same manner that writs of error and appeals are taken and prosecuted in the next adjoining State.

Sec. 2. *And be it further enacted*, That each of the said superior courts shall, moreover, have and exercise the same jurisdiction within its limits, in all cases arising under the laws and Constitution of the United States, which, by an act to establish the judicial courts of the United States, approved the twenty-fourth day of September, one thousand seven hundred and eighty-nine, and "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States," approved the second of March, one thousand seven hundred and ninety-three, was vested in the court of Kentucky district. The first six days of each term of the said courts, or so much thereof as may be necessary, shall be appropriated to the trial of causes arising under the laws and Constitution of the United States. And writs of error and appeal from the decisions in the said superior courts, authorized by this section of this act, shall be made to the appellate court of said Territory, in such manner, and under such regulations, as the Legislative Council shall direct. The clerks, respectively, shall keep the records at the places where the courts are held, and no one clerk shall, by himself or deputy, officiate at more than one place for holding said courts; they shall receive, in all cases under the laws and Constitution of the United States, the same fees which the clerks of the district court of the next adjoining State receive for similar services.

Sec. 3. *And be it further enacted*, That there shall be appointed, for each of the said courts, a person, learned in the law, to act as attorneys of the United States, as well as for the Territory, each of whom shall receive the same fees, both in civil and criminal cases, as are received by the district attorney of the United States, of the next adjoining State, for similar services; and shall, moreover, receive, as a full compensation for extra services, annually, the same salary as is provided, by law, for the district attorney of the district of Kentucky, to be paid, quarterly, by the Treasury of the United States. There shall, also, be appointed, for each of the said courts, a marshal, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, to which marshals, in other districts, are entitled for similar services; and shall, in addition, be paid the sum of two hundred dollars, annually, as a compensation for extra services; and shall, also, be subject to such regulations and penalties as the Legislative Council shall impose, while acting under, and in virtue of, the Territorial laws. Each judge shall receive a salary of fifteen hundred dollars per annum, to be paid, quarterly, by the Treasury of the United States.

Sec. 4. *And be it further enacted*, That there shall be organized in said Territory a court of appeals, to be composed of the judges of the superior courts of the said Territory, any two of whom shall be a quorum, and shall hold annually, at the seat of Government of said Territory, one session, commencing on the first Monday in January, in each and every year. The senior judge shall be the presiding judge of said court, and the other judges shall have precedence according to the date of their commissions, or, where their commissions are of the same date, according to their respective ages. That the said court may, by any one of its judges being present, be adjourned from day to day, until a quorum be convened; and, if no one of its judges be present, by the marshal of said court, until a quorum be convened; and the district attorney, marshal, and clerk, of the superior court of the middle district shall be officers of the said court of appeals; and writs of error and appeal from the decision of the said court shall be made to the Supreme Court of the United States, in the same manner, and under the same regulations, as from the circuit courts of the United States, where the amount in controversy, to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars.

Sec. 5. *And be it further enacted*, That so much of the act, of which this is an amendment, as requires the Legislative Council of said Territory to commence its sessions on the first Monday in May, in each and every year, be, and the same is hereby, repealed; and the said Legislative Council shall hereafter hold a session in every year, commencing on the second Monday in November, in each and every year, but shall not continue longer in session than four weeks after the first session, which shall not continue longer in session than eight weeks; to be held at the seat of Government in said Territory, or at such other place or places as the Governor and Council may from time to time direct.

SEC. 6. *And be it further enacted*, That so much of the act, of which this is an amendment, as requires that the Governor of Florida shall not leave the Territory without the permission of the President of the United States, be, and the same is hereby, repealed.

Approved, May 26, 1824.

An Act to authorize masters of vessels in certain cases to clear out either at the Custom-House of Petersburg or that of Richmond.

Be it enacted, &c., That any ship or vessel, owned by, or consigned to, any person or persons in the collection district of Richmond, and which shall be loaded, in whole or in part, in the district of Petersburg, by such owner or owners, consignee or consignees, may be cleared out by the Collector of the district of Richmond, on application of the owner, consignee, or captain, of such ship or vessel: *Provided*, That the entire cargo shall be bona fide taken or shipped from the district of Richmond.

Approved, May 26, 1824.

An Act to alter the times of holding the Circuit and District Courts of the United States for the district of South Carolina.

Be it enacted, &c., That instead of the times now established by law, the Circuit Court for the district of South Carolina shall annually be holden as follows, to wit: at Charleston on the second Tuesday of April, and at Columbia on the third Tuesday of November.

SEC. 2. *And be it further enacted*, That all suits, actions, writs, processes, and other proceedings, which now are pending in said Circuit Court, or which now are, or may hereafter be, commenced for, or returnable to, the said Circuit Court, at the times and places heretofore established, shall be returnable to, heard, tried, and determined, in the said Circuit Court, at the times and places hereby respectively established for the holding thereof.

SEC. 3. *And be it further enacted*, That, from and after the passing of this act, the times of holding the District Courts of the United States at Laurens Courthouse, South Carolina, shall be so altered that the said Court shall hereafter convene on the Tuesday next ensuing, after the adjournment of the Circuit Court of the United States at Columbia.

Approved, May 25, 1824.

An Act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several Departments.

Be it enacted, &c., That it shall be lawful for the respective Departments, hereinafter mentioned, to employ the following clerks, in addition to those authorized by existing laws, that is to say:

In the Treasury Department, one clerk, whose salary shall not exceed the sum of one thousand one hundred and fifty dollars per annum;

In the office of the Treasurer, one clerk, whose salary shall not exceed the sum of eight hundred dollars, and one assistant to the chief clerk, whose salary shall not exceed the sum of four hundred dollars per annum;

In the office of the Fifth Auditor, one clerk, whose salary shall not exceed one thousand four hundred dollars, and two clerks, whose salaries, respectively, shall not exceed one thousand one hundred and fifty dollars;

In the Navy Department, one clerk, whose salary shall not exceed one thousand dollars;

In the office of the Navy Commissioners, three clerks, and one draughtsman, whose salaries, respectively, shall not exceed the sum of one thousand dollars per annum;

In the office of the Postmaster General, four clerks, whose salaries, respectively, shall not exceed the sum of one thousand dollars per annum; and two clerks, whose salaries, respectively, shall not exceed the sum of eight hundred dollars per annum;

In the office of the Commissary General of Subsistence, two clerks, whose salaries, together, shall not exceed the sum of two thousand one hundred and fifty dollars per annum;

In the Engineer Department, two clerks, whose salaries, together, shall not exceed the sum of two thousand one hundred and fifty dollars per annum;

In the office of the Surgeon General, one clerk, whose salary shall not exceed the sum of one thousand one hundred and fifty dollars per annum;

In the office of the Commissary General of Purchases, three clerks, whose salaries together, shall not exceed the sum of three thousand five hundred dollars per annum.

SEC. 2. *And be it further enacted*, That it shall be lawful for the officers of the Departments to employ, in their respective offices, messengers, assistants, and other persons, as follows, that is to say:

In the office of the Secretary of State, one messenger and assistant, at a compensation not exceeding one thousand and fifty dollars per annum;

In the Patent Office, one machinist, at a compensation not exceeding seven hundred dollars, and one messenger, at a compensation not exceeding four hundred dollars per annum;

In the office of the Secretary of the Treasury, one messenger and assistant, whose compensation, together, shall not exceed one thousand and fifty dollars per annum;

In the office of the First Comptroller, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Second Comptroller, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the First Auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Second Auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Third Auditor, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Fourth Auditor, one messenger, at a compensation, not exceeding seven hundred dollars per annum;

In the office of the Fifth Auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Treasurer, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Commissioner of the General Land Office, one messenger, and laborer, at a compensation, together, not exceeding eleven hundred and fifty dollars per annnm;

In the office of the Register of the Treasury, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Secretary of War, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Paymaster General, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of Commissary General of Purchases, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Secretary of the Navy, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Commissioners of the Navy, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Postmaster General, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Secretary of the Senate, one messenger, at a compensation not exceeding seven hundred dollars;

In the office of the Clerk of the House of Representatives, three clerks, at a compensation not exceeding one thousand five hundred dollars each; and one messenger, whose salary shall not exceed seven hundred dollars per annum.

Sec. 3. *And be it further enacted*, That the sum of five thousand nine hundred and thirteen dollars and seventy-five cents is hereby appropriated for one additional clerk in the Department of the Navy, and for four additional clerks in the General Post Office, including the sum of nine hundred and thirteen dollars and twenty-five cents, due for extra clerk hire in the General Post Office, during one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three.

Approved, May 26, 1824.

An Act in further addition to "An act to establish an uniform rule of Naturalization, and to repeal the acts heretofore passed."

Be it enacted, &c., That any alien, being a free white person and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of the first section of the act to which this is [in] addition, three years previous to his admission: *Provided*, such alien shall make the declaration required therein at the time of his or her admission; and shall further declare, on oath, and prove, to the satisfaction of the court, that, for three years next preceding, it has been the *bona fide* intention of such alien to become a citizen of the United States; and shall, in all other respects, comply with the laws in regard to naturalization.

Sec. 2. *And be it further enacted*, That no certificates of citizenship, or naturalization, heretofore obtained from any court of record within the United States, shall be deemed invalid, in consequence of an omission to comply with the requisition of the first section of the act, entitled "An act relative to evidence in cases of naturalization," passed the twenty-second day of March, one thousand eight hundred and sixteen.

Sec. 3. *And be it further enacted*, That the declaration required by the first condition specified in the first section of the act, to which this is an act in addition, shall, if the same has been *bona fide* made before the clerks of either of the courts in the said condition named, be as valid as if it had been made before the said courts, respectively.

Sec. 4. *And be it further enacted*, That a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States, made in the manner and form prescribed in the first condition specified in the first section of the act to which this is in addition, two years before his admission, shall be a sufficient compliance with said condition; anything in the said act, or in any subsequent act, to the contrary notwithstanding.

Approved, May 26, 1824.

An Act explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians, passed the fourth of May, one thousand eight hundred and twenty-two."

Be it enacted, &c., That the proper accounting officer of the Treasury Department be, and he is hereby, directed to give such construction to the act of the fourth of May, one thousand eight hundred and twenty-two, as that its provisions shall extend to the claims of the volunteer, field, and staff officers, engaged in the campaign of eighteen hundred and eighteen, against the Seminole Indians, who lost horses or the necessary equipage thereof, in the manner mentioned in said act, and also to the claims of all the volunteer officers or soldiers engaged in the campaign aforesaid, who, without any fault or negligence on their part, respectively, lost horses, or the necessary equipage thereof, in battle.

SEC. 2. *And be it further enacted*, That the proper accounting officer of the Treasury Department be, and he is hereby, authorized and directed to audit and settle the claims of all owners of wagons and teams, and others, for any horse or horses impressed into the public service during the said Seminole campaign: *Provided*, That such impressment, and the value of said horse or horses, be satisfactorily proved, and that it shall, also, be satisfactorily proved that such horse or horses were not returned to their owners, and that any compensation which may have been allowed and paid for the service of said horse or horses, after the time of their impressment, be deducted.

SEC. 3. *And be it further enacted*, That the amount of such claims, so audited and settled, when ascertained, shall be paid out of any money in the Treasury, not otherwise appropriated.

Approved, May 26, 1824.

An Act supplementary to an act, approved on the third day of March, one thousand eight hundred and nineteen, entitled "An act providing for the correction of errors in making entries of land at the land offices."

Be it enacted, *&c.*, That, when any mistake, in relation to the correct numbers of any tract of land, not exceeding in quantity one half section, may have been heretofore made by any purchaser of the public lands of the United States at private sale, and where one or more payments shall have been made by the person making the entry, on any tract entered by mistake, and where such payment has not been forfeited, previously to the passing of this act, for a failure to complete the payments on such tract; and where the purchaser or purchasers may not, in relation to said tract, have in any way taken advantage of the provisions of the act of the second of March, eighteen hundred and twenty-one, entitled "An act for the relief of the purchasers of the public lands prior to the first day of July, eighteen hundred and twenty," or of the act supplementary thereto, or the act continuing in force said supplementary act, and where the person or persons making the purchase, has not, in any way, transferred his, her, or their right to the certificate of purchase, or the tract so purchased, and where no patent shall have issued for the tract so erroneously purchased; and, also, in all cases of an entry hereafter made, of a tract of land not intended to be entered, by a mistake of the true numbers of the tract intended to be entered, where the tract, thus erroneously entered, does not, in quantity, exceed one half section; and where the certificate of the original purchaser or purchasers has not been assigned, or the right of the original purchaser or purchasers in any way transferred, and where six months, from the time the entry shall have been made, may not have elapsed, or the patent issued for the tract erroneously entered, the purchaser or purchasers, or, in case of his, her, or their death, the legal representatives, (not being assignees or transferrees,) may, either in cases of entry before or after the passing of this act, and in any case coming within its provisions, file his, her, or their own affidavit or affidavits, with such additional evidence as can be procured, showing the mistake of the numbers of the tract intended to be entered, and that every reasonable precaution and exertion had been used to avoid the error, with the register and receiver of the land district within which such tract of land is situated, who shall transmit the evidence submitted to them in each case, together with their written opinion or opinions, both as to the existence of the mistake, and the credibility of each person testifying thereto, to the Commissioner of the General Land Office, who, if he be entirely satisfied the mistake has been made, and that every reasonable precaution and exertion had been made to avoid it, shall be authorized to change the entry, and transfer the payment from the tract erroneously entered, to that intended to be entered, if unsold; but, if sold, to any other tract liable to entry: *Provided*, That the oath of the person or persons interested shall, in no case, be deemed sufficient, in the absence of other corroborating testimony, to authorize any such change of entry: *And provided, also*, That nothing herein contained shall affect the right of third persons.

SEC. 2. *And be it further enacted*, That either the register or receiver may administer all oaths to be made under the provisions of this act; and every person knowingly, wilfully, and corruptly, swearing falsely on any oath administered to him, or her, under the provisions of this act, shall, on indictment and conviction for such offence, before any court having competent jurisdiction to try the same, suffer the pains and penalties of wilful and corrupt perjury.

SEC. 3. *And be it further enacted*, That, for every oath administered under the provisions of this act, the register and receiver shall be allowed the sum of twenty-five cents, and twenty cents for every hundred words of the evidence received and transmitted to the Commissioner of the General Land Office, to be paid by the party making application for a change of entry.

Approved, May 24, 1824.

An Act to compensate William Cocke for certain military services rendered the United States during the late war, and for the relief of John T. Johnson.

Be it enacted, *&c.*, That there be paid to William Cocke, formerly of the Tennessee gunmen, out of the moneys of the Treasury, not otherwise appropriated, two months' full pay and emoluments, as a colonel in the infantry of the army of the United States.

SEC. 2. *And be it further enacted*, That the proper accounting officers of the Treasury Department be, and they are hereby, directed, in the settlement of the accounts of John T. Johnson, for services rendered in the late war against Great Britain, during the time he acted as volunteer aid to Major General William H. Harrison, to allow him the pay of a Captain, with the additional pay and emoluments allowed by law to the aids of Majors General.

Approved, May 18, 1824.

An Act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty.

Be it enacted, &c., That there be, and hereby is, reserved, for the use of the chiefs and tribe of Wyandot Indians, subject to the conditions and limitations of the former reservation, the northeast quarter of section numbered two, in township two, and range seventeen, south of the base line, of land, in the Delaware land district, in the State of Ohio, in lieu of one hundred and sixty acres of land, on the west side of, and adjoining, the Sandusky river, and which was reserved to said tribe of Indians, by a supplementary treaty between the United States and certain tribes of Indians, held at St. Mary's, in the State of Ohio, on the seventeenth day of September, eighteen hundred and eighteen, on condition that the chiefs of said Wyandot tribe first relinquish to the United States all the right, title, and claim, of said tribe, to the one hundred and sixty acres of land, reserved by said supplementary treaty.

Approved, May 26, 1824.

An Act to fix the Western boundary line of the Territory of Arkansas, and for other purposes.

Be it enacted, &c., That the western boundary line of the Territory of Arkansas shall begin at a point forty miles west of the southwest corner of the State of Missouri, and run south, to the right bank of the Red river, and thence, down the river, and with the Mexican boundary, to the line of the State of Louisiana, any law heretofore made, to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That the sum of two thousand dollars, to defray the expense of running and marking said boundary line, to be expended under the directions of the President of the United States, be, and the same hereby is, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 3. *And be it further enacted,* That so much of the appropriation of sixty-five thousand dollars, made by the act of the third of March, eighteen hundred and twenty-one, for carrying into effect the treaty of the eighteenth [eighth] of October, eighteen hundred and twenty, with the Choctaw Indians, as remains unexpended, shall, under the direction of the President of the United States, be employed for the purposes mentioned in the said act of third of March, eighteen hundred and twenty-one, any law to the contrary notwithstanding.

SEC. 4. *And be it further enacted,* That the sum of ten thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated, be, and the same is hereby, appropriated, to defray the expenses of treating with the Choctaw Indians, to obtain a modification of the treaty of October eighteenth, [eighth] one thousand eight hundred and twenty.

Approved, May 26, 1824.

An Act to allow the bounty to vessels employed in the Cod Fisheries in certain cases.

Be it enacted, &c., That any vessel which shall be licensed according to law, for the cod fishery, and which shall have completed her fishing term, according to the provisions of law, and thereby become entitled to the allowance of bounty, shall, in returning to any port within the United States, be wrecked or lost, the owner or owners, and crew of such vessel, shall, on satisfactory proof being made to the Comptroller of the Treasury, of the wreck or loss of such vessel, be entitled to the same bounty as would have been allowed, had such vessel returned to port.

SEC. 2. *And be it further enacted,* That any vessel which shall have completed her fishing term, subsequent to the act entitled "An act in addition to, and alteration of, an act entitled 'An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowance to certain vessels employed in the fisheries," passed the third of March, one thousand eight hundred and nineteen, and which shall, in returning to any port in the United States, have been wrecked or lost, the owner or owners, and crew, of such fishing vessel, shall have extended to them the provisions of the first section of this act.

Approved, May 26, 1824.

An Act to allow further time to complete the issuing and locating of Military Land Warrants.

Be it enacted, &c., That the authority granted to the Secretary of the Department of War, by an act, approved the twenty-fourth day of February, one thousand eight hundred and nineteen, to issue warrants for the military land bounties, to persons entitled thereto, shall be revived, and continued in force for the term of five years.

Approved, May 26, 1824.

An Act to revive and extend the term of certain pensions, which have expired by limitation.

Be it enacted, &c., That the pensions heretofore granted, and paid out of the Privateer Pension Fund, to the widows and orphans of such officers, seamen, and marines, as were slain, or died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, and the terms for the payment of which had expired by limitation, before the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, be, and the same are hereby, revived, and extended to such widows and orphans, with all the advantages, and in the same manner, as if their respective terms had not expired; subject to the provisions, restrictions, and limitations, of an act, passed on the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, be, and the same are hereby, revived, and extended to such widows and orphans, with all the advantages, and in the same manner, as if their respective terms had not expired; subject to the provisions, restrictions, and limitations, of an act, passed on the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war."

Approved, May 26, 1824.

An Act granting a tract of land to the inhabitants of Point Coupee, on certain conditions.

Be it enacted, &c., That the right of the United States, to a tract of land, forty arpens front, upon the Mississippi river, and running back the depth of forty arpens, at a remarkable bend on said river, be, and the same is hereby, granted to the inhabitants of the parish of Point Coupee, within which said land is situated, on condition that said parish shall, at all times, hereafter, keep a good and sufficient levee in front of said land, upon the river Mississippi; and if they should, at any time hereafter, cease to keep up such good and sufficient levee, the land shall revert to the United States.

Approved, May 26, 1824.

An Act for the relief of the representatives of John Donnelson, Stephen Heard, and others.

Be it enacted, &c., That the heirs and representatives of John Donnelson, Stephen Heard, William Downs, Joseph Martin, John Sevier, and Thomas Carr, or their heirs and representatives, respectively, be, and they are hereby, authorized and empowered, severally, to enter, under the direction of the Secretary of the Treasury, five thousand acres of land, at any time within two years from the passing of this act, in any land office in either of the States of Mississippi or Alabama; being the amount of a grant made to them, by a resolution of the Legislature of the State of Georgia, in the year one thousand seven hundred and eighty-six: *Provided*, That the said claim shall be satisfied out of the five millions of acres of land, set apart by the act of Congress, of the third of March, one thousand eight hundred and three, pursuant to the articles of agreement and cession, between the State of Georgia and the United States, entered into on the twenty-fourth day of April, one thousand eight hundred and two. *Provided, also*, That the acceptance of the grant hereby made shall be a discharge of all further claims against the United States by the persons herein named, or their heirs or legal representatives, under the said resolution of the Legislature of the State of Georgia, agreed to be paid by the United States, in satisfaction of "certain claims or pretended claims" on the part of the State of Georgia; and provided that this bill shall be a discharge of any future claim against the United States.

Sec. 2. *And be it further enacted*, That said claims shall not be located or entered on any lands except those which may have been, previous to the making of said entry, offered at public sale, nor upon any lands forfeited or relinquished to the United States; nor shall any entry be made for a less quantity than a quarter section: *Provided*, Nothing herein contained shall prevent the entry of any fraction.

Approved, May 24, 1824.

An Act to authorize the issuing a register to the Brig William, of New York.

Be it enacted, &c., That there be issued, under the direction of the Secretary of the Treasury, a register to the brig William, a British vessel, lately called the Union, which vessel was stranded on the coast of the United States, and purchased by William Porter, a citizen of the United States, and by him repaired: *Provided*, It shall be proved, to the satisfaction of the Secretary of the Treasury, that the cost of the repairs made in the United States, after the purchase of the said vessel by the present owner, exceeds three-fourths of the original cost of building a vessel of the same tonnage in the United States.

Approved, May 21, 1824.

An Act for the benefit of the Columbian Institute.

Be it enacted, &c., That there be granted, during the pleasure of Congress, to the Columbian Institute, for the promotion of the arts and sciences, the use and improvement of the tract of public ground in Washington City, which is bounded on the east by the Botanical Garden, in the occupancy of the said Columbian Institute; on the north by the Pennsylvania Avenue; on the west by the Tiber and Canal; and on the south by the Maryland Avenue: *Provided*, That, whenever the said Columbian Institute shall be dissolved, or cease to exist, or to employ the said tract of land for the purposes aforesaid, all right, title, and interest, hereby granted to the same, shall revert to, and vest in, the United States.

Approved, May 26, 1824.

An Act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States.

Be it enacted, &c., That the sum of sixty thousand two hundred and thirty-nine dollars and twenty-four cents, shall be, and is hereby, appropriated, to be paid by the Secretary of the Treasury to Daniel D. Tompkins, late Governor of the State of New York, in full for the balance found due him, for his services, losses, and disbursements, for, or on account of, the United States, during the late war with Great Britain.

Approved, May 26, 1824.

An Act for the relief of the corporation of the Church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit.

Be it enacted, &c., That it shall be lawful for the Governor and Judges of the Territory of Michigan, to cause Larned street, in the town of Detroit, to be continued, westerly, parallel to Jefferson avenue, until it intersects the street which runs northerly from said avenue, at right angles therewith, near the public barn, agreeable to the plan of the town; and to cause the public barn, and the pickets bounding the military reserve, to be removed to the north side of Larned street.

SEC. 2. *And be it further enacted*, That so much of the military reserve, lying south of Larned street, thus extended, as is included in the deed from the said Governor and Judges to the Corporation of the Catholic Apostolic and Roman Church of St. Anne, of Detroit, on the 11th day of January, one thousand eight hundred and seventeen, be, and the same is hereby declared to be, confirmed to the said corporation.

SEC. 3. *And be it further enacted*, That the residue of the said military reserve, between Larned street and Jefferson avenue, included within the pickets of the said reserve, and bounded west by said street, which runs from said avenue to the public barn, and east by the east bounds of the military reserve, be, and the same is hereby declared to be, vested in the said Governor and Judges, to be disposed of as, by the act of Congress, passed the twenty-first day of April, one thousand eight hundred and six, entitled "An act to provide for the adjustment of titles of land in the town of Detroit, and Territory of Michigan, and for other purposes," is directed.

Approved, May 26, 1824.

An Act to regulate the Fees of the Registers of Wills in the several counties within the District of Columbia.

Be it enacted, &c., That, from and after the passing of this act, there shall be allowed, and paid, (in lieu of the fees now allowed,) to each of the Registers of Wills, for the counties of Washington and Alexandria, in the District of Columbia, the following fees, that is to say:

For every probate of will, (where there is no controversy,) one dollar;

For granting letters testamentary, seventy-five cents;

Annexing will, for one hundred words, twelve and one-half cents;

Registering the same, for one hundred words, twelve [and] a half cents;

For granting letters of administration, seventy-five cents;

Every bond taken of executors, administrators, or guardians, and recording the same, one dollar and fifty cents;

For filing and entering renunciation of executors, or widow, twenty-five cents;

For exemplification of letters testamentary, or letters of administration, under seal, one dollar;

For issuing warrant, under seal, to appraisers, and warrant to swear them, fifty cents;

For notice of administrators to creditors, and orders thereon, fifty cents;

For entering caveat, twenty-five cents;

For issuing citation, under seal, fifty cents;

For administering every oath, or affirmation, six and one-fourth cents;

For filing list of articles appraised, twenty-five cents;

For filing list of articles sold at vendue, twenty-five cents;

For recording the same, (if ordered by the Court,) for every hundred words, twelve and one-half cents;

For stating, passing, and filing the account of an executor, administrator, or guardian, not exceeding seventy-five items, three dollars; every additional item, two cents;

For examining the vouchers, passing, and filing the account of an executor, administrator, or guardian, (not stated by the Register,) and not exceeding seventy-five items, two dollars; every additional item, two cents;

For copy of same, under seal, if demanded, not exceeding one hundred items, one dollar; every additional item, two cents; seal and certificate, thirty-seven cents and one-half;

For subpœna, thirty-seven cents and one-half. All witnesses to be put into one subpœna, unless separate ones are required by the party. For every name after the first, six cents and one-fourth.

For duces tecum, under seal, fifty cents;

For every search, where no other service is performed for which fees are allowed, eighteen cents and three-fourths;

For making out, and filing, the balance of distribution of deceased persons' estate, for each heir, one dollar;

For taxing all costs, in any one case, twenty-five cents;

For a writ of execution, on a definitive sentence, under seal, seventy-five cents;

For recording, and filing, each indenture of apprentice, including the Court's taking recognizance for same, or its approval when done by the Justices of the Peace, seventy-five cents;

For drawing deposition of witnesses, for every hundred words, twelve cents and one-half;

For filing all other papers, (except as above required,) four cents each;

For entering appearance of party under process, twelve cents and one-half;

For entering return of process, twelve and one-half cents;

For every continuance or reference, chargeable to the applicants, twelve and one-half cents;

For commission to examine witnesses, or to auditors, under seal, one dollar;

For commission to value orphan's estate in the hands of guardians, under seal, one dollar;

For entering every order of court, twelve cents and one-half; if more than one hundred words, then at the rate of twelve cents and one-half per hundred;

For recording or copying any paper, for one hundred words, twelve cents and one-half; seal and certificate, thirty-seven cents and one-half;

For filing petition or report, and entering the same on record, (if necessary,) fifty cents; if more than one hundred words, at the rate of twelve cents and one-half per hundred;

For entering judgment, or rule of court, twenty-five cents; copy of same, if demanded, for every hundred words, twelve cents and one-half; seal and certificate, thirty-seven cents and one-half;

For entering every motion in court, twelve and one-half cents;

For entering appointment of guardian, with certificate and seal of said appointment, one dollar; every additional word included in the same certificate, twelve and one-half cents;

For issuing attachment and entering motion therefor, seventy-five cents;

For taking a recognizance, twenty-five cents;

For warrant to marshal to summon jury, under seal, seventy-five cents;

For entering panel of jury, and swearing them, fifty cents;

For taking, filing, and recording, every bond, not above provided for, one dollar;

For passing an account against the estate of a deceased person, twelve and a half cents; to be paid by the applicant, and not to be refunded.

Sec. 2. *And be it further enacted*, That the respective officers, whose fees are by this act specified, are hereby required to make fair tables of their fees, agreeable to this act, and to set up the same, in their respective offices, within six months after the passing of this act, in some conspicuous part of their office, for the inspection of all persons who may have business in said offices, on pain of forfeiting, for each day the same shall be missing, through said officer's neglect, the sum of ten dollars, to be recovered as debts of the same amount are recoverable, one-half to the county, and the other half to the informer.

Sec. 3. *And be it further enacted*, That, if a Register of Wills, or any person for him, shall take greater fees than hereinbefore expressed, such officer shall forfeit and pay the party injured fifty dollars, to be recovered as debts of the same amount are recoverable; *Provided, always*, That the Judges of the Orphans' Court may allow to the Register of Wills, reasonable fees for any service he may have rendered, not specified in this act.

Sec. 4. *And be it further enacted*, That the Registers of Wills of the counties of Washington and Alexandria, in the District of Columbia, shall be allowed by the Levy Courts of their respective counties, for all record books and dockets necessarily furnished for their respective offices; which allowance shall be levied and collected as other county charges are.

Approved, May 26, 1824.

An Act to confer certain powers on the Levy Court of the county of Alexandria, in the District of Columbia, and for other purposes.

Be it enacted, &c., That the Levy Court of the county of Alexandria, in the District of Columbia, shall, from and after the passing of this act, have, possess, and exercise, all the powers which the county courts of Virginia possessed and exercised on the twenty-seventh day of February, one thousand eight hundred and one, in relation to the laying of the county levies; and that the Marshal of the District of Columbia shall collect and account for the levies so laid by said court, in the same manner, and at the same time, as the Sheriffs of Virginia collected and accounted for the levies made by the aforesaid county courts of Virginia, on the aforesaid twenty-seventh day of February, one thousand eight hundred and one. The Marshal of the District aforesaid, shall pay over the amount, so collected, to the order of the Levy Court aforesaid.

Sec. 2. *And be it further enacted*, That any seven Justices of the Peace in the county of Alexandria aforesaid, who shall be duly qualified, shall be a quorum for the transaction of all business appertaining by law to the Levy Court aforesaid.

Sec. 3. *And be it further enacted*, That the Orphans' Court of the said county of Alexandria shall, hereafter, be held at the courthouse in the town of Alexandria, so soon as a suitable room shall have been provided on the public square on which said courthouse stands, for the safe-keeping of the records of said Orphans' Court. The said Orphans' Court shall hold its sessions on the first Monday of each month, and may adjourn from day to day, for the purpose of transacting the business of said court: *Provided*, That the whole number of days of the session of said court shall not exceed four in any one month.

Sec. 4. *And be it further enacted*, That the Register of Wills for the county of Alexandria aforesaid, shall, within two months from and after the passage of this act, give bond and good security, payable to the United States, in the penalty of five thousand dollars; which bond shall be conditioned for the due and faithful performance of the duties of his office, as prescribed by law; which bond shall be renewed once in every five years thereafter, and shall be approved by the Orphans' Court; and shall be recorded among the records of the Circuit Court of the District of Columbia, for the county aforesaid; an official copy of which bond, duly certified, shall have the force and effect of the original, in all suits brought on said bond.

Approved, May 26, 1824.

An Act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia Military Land Warrants, lying between Ludlow's and Roberts' lines, in the State of Ohio.

Be it enacted, &c., That the President of the United States shall be, and he is hereby, authorized to ascertain the number of acres, and by appraisement, or otherwise, the value thereof, exclusive of improvements, of all such lands lying between Ludlow's and Roberts' lines, in the State of Ohio, as may, agreeably to the principles of a decision of the Supreme Court of the United States, in the case of Doddridge's lessee, agains

Thompson and Wright, be held by persons under Virginia military warrants, and on what terms the holders will relinquish the same to the United States; and that he report the facts at the commencement of the next session of Congress.

Approved, May 26, 1824.

An Act making appropriations for deepening the Channel leading into the harbor of Presque Isle, and for repairing Plymouth Beach.

Be it enacted, &c., That the following sums of money be, and the same are hereby, appropriated, out of any moneys in the Treasury, not otherwise appropriated, and placed at the disposition of the United States, for the purpose of accomplishing the objects hereinafter mentioned, to wit: the sum of twenty thousand dollars, for making or deepening the channel leading into the harbor of Presque Isle, in the State of Pennsylvania; and the sum of twenty thousand dollars, to repair Plymouth Beach, in the State of Massachusetts, and thereby prevent the harbor at that place from being destroyed.

Approved, May 26, 1824.

An Act to allow a salary to the Collectors of the District of Nantucket and Pensacola, and to abolish the office of Surveyor of the District of Pensacola.

Be it enacted, &c., That, from and after the passage of this act, the following annual salaries be, and the same are hereby, allowed, to wit: To the collector of the port of entry for the District of Nantucket, in the State of Massachusetts, the sum of two hundred and fifty dollars; and to the collector of the port of entry for the District of Pensacola, in the Territory of Florida, the sum of five hundred dollars.

Sec. 2. *And be it further enacted*, That, from and after the thirtieth day of June next, the office of surveyor of the port of entry for the District of Pensacola, in the Territory above mentioned, be, and the same is hereby abolished.

Approved, May 26, 1824.

An Act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of four and one-half per cent., for certain stocks bearing an interest of six per cent.

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to borrow, on or before the first day of April next, on the credit of the United States, a sum not exceeding five millions of dollars, at a rate of interest, payable quarter yearly, not exceeding four and one-half per centum per annum, and reimburseable at the pleasure of the Government, at any time after the thirty-first day of December, one thousand eight hundred and thirty-one, to be applied, in addition to the moneys which may be in the Treasury at the time of borrowing the same, to pay off and discharge such part of the six per cent. stock of the United States, of the year one thousand eight hundred and twelve, as may be redeemable after the first day of January next.

Sec. 2. *And be it further enacted*, That it shall be lawful for the Bank of the United States to lend the said sum, or any part thereof; and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock signed by the Register of the Treasury, or by a Commissioner of Loans, for the whole, or for any part thereof, bearing an interest not exceeding four and one half per centum per annum, transferable and reimburseable as aforesaid, and to cause the said certificates of stock to be sold: *Provided*, That no stock be sold under par.

Sec. 3. *And be it further enacted*, That a subscription, to the amount of fifteen millions of dollars, of the six per cent. stock of the year one thousand eight hundred and thirteen, be, and the same is hereby, proposed; for which purpose books shall be opened at the Treasury of the United States, and at the several Loan Offices, on the first day of July next, to continue open until the first day of October thereafter, for such parts of the abovementioned description of stock as shall, on the day of subscription, stand on the books of the Treasury, and on those of the several Loan Offices, respectively; which subscription shall be effected, by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock so subscribed.

Sec. 4. *And be it further enacted*, That, for the whole or any part of any sum which shall be thus subscribed, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates, purporting that the United States owe to the holder, or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of four and one half per centum per annum, payable quarterly, from the thirtieth day of September, one thousand eight hundred and twenty-four, transferable in the same manner as is provided by law for the transfer of the stock subscribed, and subject to redemption, at the pleasure of the United States, as follows: One-half at any time after the thirty-first day of December, one thousand eight hundred and thirty-two, and the remainder at any time after the thirty-first day of December, one thousand eight hundred and thirty-three: *Provided*, That no reimbursement shall be made, except for the whole amount of such new certificate, nor until after at least six months' public notice of such intended reimbursement. And it shall be the duty of the Secretary of the Treasury to cause to be re-transferred to the respective subscribers, the several sums by them subscribed, beyond the amount of the certificates of five per cent. stock, issued to them, respectively.

Sec. 5. *And be it further enacted*, That the same funds which have heretofore been, and now are, pledged, by law, for the payment of the interest, and for the redemption or reimbursement of the stock which may be created or subscribed by virtue of the provisions of this act, shall remain pledged, in like manner, for the payment of the interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid, out of the said fund, yearly, and every year, such sum and sums as may be annually wanted to discharge the interest accruing on the stock which may be created by virtue of this act. The said Commissioners are hereby authorized to apply, from time to time, such sum and sums, out of the said funds, as they may think proper, towards redeeming, by purchase or by reimbursement, in conformity with the provisions of this act, the principal of the said stock; and such part of the annual sum of ten millions of dollars, vested by law in the said Commissioners, as may be necessary, and wanting, for the above purposes, shall be, and continue, appropriated to the payment of interest and redemption of the public debt, until the whole of the stock which may be created under the provisions of this act, shall have been redeemed or reimbursed.

Sec. 6. *And be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge, or impair, the rights of those creditors of the United States who shall not subscribe to the loan to be opened by virtue of this act.

Approved, May 26, 1824.

An Act making an appropriation for the use of the Library of Congress, and for furnishing rooms in the Capitol.

Be it enacted, &c., That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury, for the purchase of books, under the direction of the joint Library Committee, for the use of the Library of Congress.

Sec. 2. *And be it further enacted*, That the sum of fifteen hundred and forty-six dollars be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury, for the purchase of furniture for the new Library.

Sec. 3. *And be it further enacted*, That the sum of three thousand two hundred and eighty-nine dollars and fifty cents be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for furnishing the rooms in the centre building of the Capitol, under the direction of the Commissioners of the Public Buildings.

Approved, May 26, 1824.

An Act to authorize the surveying and making of a road from a point in the northwestern boundary of the State of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint three Commissioners, who shall explore, survey, and mark, in the most eligible course, a road from a point in the northwestern boundary of the State of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan; and said Commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approve of said survey, shall cause the plats thereof to be deposited in the office of the Treasury of the United States, and the said road shall be considered as established and accepted.

Sec. 2. *And be it further enacted*, That the said road shall be opened and made under the direction of the President of the United States, who is hereby authorized to employ the troops of the United States in the completion, or assisting in the completion, of said road.

Sec. 3. *And be it further enacted*, That the said Commissioners shall, each, be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day they shall be necessarily employed in the exploring, surveying, and marking, of said road. And for the purpose of compensating the said Commissioners and their assistants, and for opening and making said road, there shall be, and is hereby, appropriated, the sum of twenty thousand dollars; to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, May 26, 1824.

An Act to authorize the State of Indiana to open a canal through the Public Lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie.

Be it enacted, &c., That the State of Indiana be, and is hereby, authorized to survey and mark, through the public lands of the United States, the route of a canal by which to connect the navigation of the rivers Wabash and Miami of Lake Erie; and ninety feet of land, on each side of said canal, shall be reserved from sale on the part of the United States, and the use thereof, forever, be vested in the State aforesaid, for a canal, and for no other purpose whatsoever.

Sec. 2. *And be it further enacted*, That, if the said State shall not survey, and direct by law said canal to be opened, and furnish the Commissioner of the General Land Office a map thereof, within three years from and after the date of this act; or, if the said canal be not completed, suitable for navigation, within twelve years thereafter; or, if said land, hereby granted, shall ever cease to be used and occupied for the purpose of constructing and keeping in repair a canal, suitable for navigation; the reservation and grant, aforesaid, shall be void, and of none effect: *Provided*, That nothing in this act contained, or shall be done in pursuance thereof, shall be deemed to imply any obligation on the part of the United States, to appropriate money to defray the expense of surveying or opening said canal: *And provided, likewise*, That the said canal, when completed, shall be, and forever remain, a public highway, for the use of the Government of the United States, free from any toll or charge whatever, for any property of the United States, or persons in their service, on public business, passing through the same.

Sec. 3. *And be it further enacted*, That every section of land through which said canal route may pass, shall be, and the same is hereby, reserved from future sale, under the direction of the Commissioner of the General Land Office, until hereafter specially directed by law; and the said State is hereby authorized, without waste, to use any materials on the public lands adjacent to said canal that may be necessary for its construction.

Approved, May 26, 1824.

An Act to alter the Judicial Districts of Pennsylvania, and for other purposes.

Be it enacted, &c., That the following counties in the State of Pennsylvania shall cease to be a part of the Eastern Judicial District of Pennsylvania, and shall be added to, and form a part of, the Western District; that is to say: Susquehanna, Bradford, Tioga, Union, Northumberland, Columbia, Luzerne, and Lycoming: and that, besides the terms of the District Court directed by law to be held at Pittsburg, for the Western District, the Judge of said Western District shall hold two terms in every year, at William's Port, in the county of Lycoming, which shall commence on the first Mondays of the months of June and October, in each and every year, beginning in October next, and be continued and adjourned, from time to time, as the Court may deem expedient, for the despatch of the business thereof.

Approved, May 26, 1824.

An Act supplementary to "An act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and Sabine river."

Be it enacted, &c., That the powers given to, and duties required of, the register and receiver of the land office south of Red river, in the State of Louisiana, by the act of the third of March, eighteen hundred and twenty three, entitled "An act providing for the examination of titles to land in that part of the State of Louisiana situated between Rio Hondo and the Sabine river," be extended to all that tract of country known and called by the name of the "Neutral Territory," lying east of the present western boundary of Louisiana, and west of the limits to which the land commissioners have heretofore examined titles and claims to land in said State; and in the examination of claims to land within the aforesaid limits, the register and receiver shall, in all respects, be governed by the provisions of the aforesaid act.

Sec. 2. *And be it further enacted*, That the register and receiver of said land office shall, severally, receive, as a full compensation for the duties required of them by this act, the sum of two hundred dollars, whenever they shall finish the business required to be performed by them, by this act, and the act to which this is a supplement, and have forwarded their reports to the Secretary of the Treasury.

Approved, May 26, 1824.

An Act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, empowered to provide, by contract, for building lighthouses and light-vessels, erecting beacons, and placing buoys on the following sites or shoals to wit:

A lighthouse at Owl's Head, in the State of Maine;

A lighthouse at the mouth of Great Sodus, on Lake Ontario; and one on Verplanck's Point, in the State of New York;

A lighthouse at the mouth of Grand River, in the State of Ohio;

A beacon-light on Cape Henlopen, in the State of Delaware;

A lighthouse on Pool's Island, and one on Thomas's Point, in the Chesapeake Bay, in the State of Maryland;

A light-vessel at or near the Long Shoal, in Pamptico Sound, in the State of North Carolina;

A lighthouse on one of the Sambo Keys, and a light-vessel on the Careysfort reef, in the Territory of Florida;

A beacon on Castle Island, and five buoys near Bristol Ferry, in the State of Rhode Island;

A pier and three buoys at the mouth of Saco River, and a pier at the mouth of Wells' Harbor, in the State of Maine.

Sec. 2. *And be it further enacted*, That there be appropriated out of any money in the Treasury, not otherwise appropriated, the following sums of money, to wit:

For building a lighthouse in the State of Maine, on Owl's Head, four thousand dollars;

A lighthouse on Great Sodus, on Lake Ontario, in the State of New York, four thousand five hundred dollars; and for one on Verplanck's Point, in the Hudson River, in the same State, four thousand five hundred dollars;

A lighthouse at the mouth of Grand River, in the State of Ohio, eight thousand dollars;

For erecting a beacon-light on Cape Henlopen, in the State of Delaware, three thousand dollars;

For a lighthouse on Pool's Island, in the Chesapeake, in the State of Maryland, five thousand dollars; and for one on Thomas's Point in the same bay, and same State, six thousand five hundred dollars;

For a light-vessel, to be placed at or near the Long Shoals, on Pamptico Sound, in the State of North Carolina, ten thousand dollars;

For a lighthouse on the Sambo Keys, in the Territory of Florida, sixteen thousand dollars; for a light-vessel for Careysfort Reef, twenty thousand dollars; for the lighthouses directed to be built, one on the dry Tortugas, and one on Cape Florida, in the same Territory, including the appropriations already made by law, a sum, for each, not exceeding sixteen thousand dollars;

For a beacon and buoys between the dry Tortugas and the Coast of Florida, four thousand dollars;

For placing buoys on certain shoals at the mouth of Kennebeck River, in the State of Maine, one hundred and sixty dollars;

For placing buoys on shoals in Buzzard's Bay, and at or near the mouth of Aponeganset River, in the State of Massachusetts, one hundred and sixty dollars;

For placing buoys on Long Island Sound, near to Cornfield Point, and in Guildford Bay, one hundred and sixty dollars;

For placing a buoy at the mouth of Scuppernong River, in Albemarle Sound, in the State of North Carolina, forty dollars;

For placing a beacon on Castle Island, and five buoys near Bristol Ferry, five hundred dollars;

For a pier and three buoys at the mouth of Saco River, and a pier at the mouth of Wells Harbor, ten thousand dollars—five thousand dollars to each of those places.

Sec. 3. *And be it further enacted*, That the following annual salaries be allowed and paid to the keepers of light-vessels:

To the keeper of the Sandy Hook light-vessel, seven hundred dollars; and for a mate, three hundred and fifty dollars;

To the keeper of the Smith's Point light-vessel, in the Chesapeake Bay, five hundred dollars;

To the keeper of the Wolf Trap light-vessel, in the same bay, five hundred dollars;

To the keeper of the Willoughby Spit light-vessel, in the same bay, five hundred dollars;

To the keeper of the Craney Island light-vessel, four hundred and fifty dollars;

To the keeper of a light vessel to be placed at or near the shoals of Cape Hatteras, seven hundred dollars; and for a mate, three hundred and fifty dollars.

Sec. 4. *And be it further enacted*, That the President of the United States be and he is authorized and requested to cause a proper site at or near the mouth of the river Teche, in Louisiana, to be selected for a lighthouse, and proper places designated for placing buoys near the same. To enable the President to accomplish these objects, a sum of money, not exceeding five hundred dollars, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, May 26, 1824.

An Act granting to the Corporation of Tuscaloosa certain lots, and privileges over the reservations and commons in said town.

Be it enacted, &c., That the right and title of the United States to public streets and to certain lots in the town of Tuscaloosa, set apart for public uses, and designated in the plan of said town by the names of the "Court Square," the "Market Square," the "Jail Lot," the "Spring," the "Church," and the "Burial Ground," be and the same is hereby vested in the Corporation of said town forever. And also all the right of the United States to that tract between the lots and the river Tuscaloosa, called the "River Margin," and of that called the "Pond," and also of that called the "Common;" on condition, however, that the Corporation shall not lease or sell any portion of the last-mentioned tracts, but that the same be appropriated to the purposes for which they were designated and set apart, as well for the benefit of the inhabitants of said town as for that of those resorting to or visiting the same; and in case the same or any part thereof be applied to any other purpose, that it revert to the United States.

Approved May 26, 1824.

An Act supplementary to the act "to incorporate the inhabitants of the City of Washington," passed the fifteenth of May, one thousand eight hundred and twenty, and for other purposes.

Be it enacted, &c., That so much of the act, entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose," passed May fifteenth, one thousand eight hundred and twenty, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

Sec. 2. *And be it further enacted*, That public notice of the time and place of sale of all real property, for taxes due the Corporation of the City of Washington, shall be given in all cases hereafter by advertisement inserted in some newspaper published in the said city once in each week for at least twelve successive weeks; in which advertisement shall be stated the number of the square or squares; the number of the lot or lots, (if the square has been divided into lots;) the name or names of the person or persons to whom the same may be assessed on the books of the Corporation at the time of such advertisement; the amount of the tax due on each square or lot; the period for which the same shall be due; and the aggregate amount of taxes due on all real property assessed in the name of the same person or persons. But where a whole square is assessed to the same person or persons, although divided into lots, it may be assessed and advertised as if the same was not divided. And no sale of real property for taxes hereafter made shall be impaired or void by reason of such property not being assessed or advertised in the name or names of the lawful owner or owners thereof, provided the same shall be advertised as above directed, or by reason of the amount of taxes due thereon not being correctly stated.

Sec. 3. *And be it further enacted*, That in all cases of sales of real property, for taxes due the said Corporation, where such sale shall not have been made according to law, and void, it shall be lawful for the said Corporation, on the application of the purchaser, or other person entitled under him, to refund and pay to such person or persons, the amount paid by him or them, on account of such purchase; and, also, the subsequent taxes accrued and paid on the said property, and to reassess the amount of taxes so refunded, on the property on which the same shall have accrued, which shall be collected in the manner as provided by law for the collection of other taxes, at any time after the first day of January next after the same shall be so re-assessed.

SEC. 4. *And be it further enacted*, That it shall be lawful for the said Corporation, where there shall be a number of lots assessed to the same person or persons, to sell one, or more, of such lots, for the taxes and expenses due on the whole; and, also, to provide for the sale of any part of the lot, for the taxes and expenses due on the said lot, or other lots assessed to the same person, as may appear expedient, according to such rules and regulations as the said corporation may prescribe.

SEC. 5. *And be it further enacted*, That in case of death, resignation, or inability to serve, of any Commissioner of Election, it shall be lawful for the Mayor, or in case of his absence, or inability to perform that duty, for the Register of the City, to make an appointment, in writing, to fill any such vacancy, which appointment shall be returned to the Register, with the return of such election.

SEC. 6. *And be it further enacted*, That the proprietor or proprietors of lots which may be sold under the provisions of this act, shall be allowed the right of redemption, in the same manner, and according to the like restrictions, contained in the act to which this is a supplement.

SEC. 7. *And be it further enacted*, That the public notice of the time and place of sale of any real property chargeable with taxes, in Georgetown or Alexandria, in all cases hereafter, shall be given, once in each week, for twelve successive weeks, in some one newspaper printed in each of said places, and in the National Intelligencer, in which shall be stated the number of the lot or lots, or parts thereof, intended to be sold, and the value of the assessment, and the amount of the taxes due and owing thereon.

SEC. 8. *And be it further enacted*, That if, before the day of sale, advertised as aforesaid, the owner, his agent, or attorney, shall not pay the amount of taxes, with all costs thereon assessed, said lots, or so many as may be sufficient to discharge the same, shall be sold, for cash, and to the highest bidder paying therefor; a certificate from the proper officer shall be issued, setting forth that he is the purchaser, and the amount paid by him; and if, at the expiration of twelve months from the day of sale, the owner shall not appear, and pay to the officer who sold the same, the Mayor, or the purchaser, the amount of the purchase money, and costs, and taxes accruing subsequent to the sale, and ten per centum interest per annum on the purchase money, it shall and may be lawful for a title in fee simple, at the expiration of said time, to be made to the purchaser: *Provided*, That no sale of real estate shall be made but where the owner or tenant of the property has not sufficient personal estate out of which to enforce a collection of the debt due; and where he has personal property, it shall be lawful to collect said taxes by distress and sale thereof.

SEC. 9. *And be it further enacted*, That, on or before the first day of April next, and every five years thereafter, each of the Corporations of Washington, Georgetown, and Alexandria, shall cause three respectable freeholders, resident in said City and towns, respectively, being previously sworn, to assess and value, and make return, of all and every species of property by law taxable, in said Corporations; and, in making their said valuations, they shall determine it agreeable to what they believe it to be worth, in cash, at the time of the valuation.

SEC. 10. *And be it further enacted*, That, where any taxes have fallen due, and yet remain unpaid, or where any real estate has been sold by the Corporation of Georgetown or Alexandria, which sale, from any defect of proceeding in relation thereto, has been declared, or is considered void, said Corporation may proceed, and are hereby authorized, to collect said taxes by sale of the real estate, liable, agreeably to the provisions of this act, in relation to other cases of collecting taxes, hereafter to fall due: *Provided*, That where any person, without notice of the outstanding taxes, has made a bona fide purchase from the legal owner of any real estate, previous to the fifteenth day of May, one thousand eight hundred and twenty-four, said real estate, so acquired, shall not be liable for the taxes due and owing previous to said purchase.

SEC. 11. *And be it further enacted*, That all titles to property, conveyed, as aforesaid, on sales for taxes, made in either of said places, shall be by deed from the Mayor, under the seal of the Corporation: which said conveyance shall be effectual, in law, to convey the title, the requisition of this act having been complied with.

SEC. 12. *And be it further enacted*, That, on any lot, or lots, or part of a lot, liable for taxes, as aforesaid, being sold, the amount, over and above the tax, cost, and charges, due upon the same, shall be paid over, on application, to the owner of said property.

SEC. 13. *And be it further enacted*, That, where the payment of any taxes shall be made or enforced against any tenant, it shall not be lawful for the owner of said property, so made liable for the taxes, to recover of the tenant any rent for the property; but the same shall remain in his possession a lien for the debt, until such time as the rent accruing shall have discharged the same; and the said tenant shall be entitled to charge twenty-five per centum against the landlord, on the amount of the taxes so paid or enforced against him, except where he may have been previously in arrears for his rent.

SEC. 14. *And be it further enacted*, That in all cases of any nuisance, affecting, in the opinion of the Board of Health, the healthiness of the City of Washington, or inhabitants contiguous thereto, which may exist on any lot belonging to the United States, it shall be lawful to have the same removed, in the same manner, and under the same rules and regulations, that nuisances on private property are removed; and the expense of such removal or correction shall be defrayed out of any moneys in the hands of the city commissioner, for the sale of the public property in said city.

Approved, May 26, 1824.

An Act granting a tract of land to the Parish of West Baton Rouge, on certain conditions.

Be it enacted, &c., That the right of the United States to a tract of land, of about eight arpens front, on the Mississippi river, be, and the same is hereby, granted to the inhabitants of the Parish of West Baton Rouge, within which said land is situated, on condition that the said Parish shall at all times keep, or cause to be kept, a good and sufficient levee on said land, in front of the river Mississippi; and if they should, at any time hereafter, cease to keep, or cause to be kept, a good and sufficient levee, the land shall revert to the United States.

Approved, May 26, 1824.

An Act to authorize the President to exchange five arpens of land, on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot.

Be it enacted, &c., That the President of the United States be authorized to exchange five arpens of land, on the south side of the public lot in the town of Baton Rouge, Louisiana, for an equal quantity of land on the north part of the said lot, which has been confirmed to the heirs of Eulogia de Casas; and to give and receive such titles as he may deem proper for perfecting said exchange.

Approved, May 26, 1824.

An Act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims.

Be it enacted, &c., That it shall be lawful for any person or persons, or their legal representatives, claiming lands, tenements, or hereditaments, in that part of the late province of Louisiana which is now included within the State of Missouri, by virtue of any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued, before the tenth day of March, one thousand eight hundred and four, by the proper authorities, to any person or persons resident in the province of Louisiana, at the date thereof, or on or before the tenth day of March, one thousand eight hundred and four, and which was protected or secured by the treaty between the United States of America and the French Republic, of the thirtieth day of April, one thousand eight hundred and three, and which might have been perfected into a complete title, under and in conformity to the laws, usages, and customs, of the Government under which the same originated, had not the sovereignty of the country been transferred to the United States, in each and every such case it shall and may be lawful for such person or persons, or their legal representatives, to present a petition to the District Court of the State of Missouri, setting forth fully, plainly, and substantially, the nature of his, her, or their claim, to the lands, tenements, or hereditaments, and particularly stating the date of the grant, concession, warrant, or order of survey, under which they claim, the name or names of any person or persons claiming the same, or any part thereof, by a different title from that of the petitioner; or holding possession of any part thereof, otherwise than by the lease or permission of the petitioner; and also, if the United States be interested on account of the lands claimed, and the boundaries thereof, when the same may have been designated by boundaries; by whom issued; and whether the said claim has been submitted to the examination of either of the tribunals which have been constituted by law for the adjustment of land titles in the present limits of the State of Missouri, and by them reported on unfavorably, or recommended for confirmation; praying, in said petition, that the validity of such title, or claim, may be inquired into and decided by the said court: and the said court is hereby authorized and required to hold and exercise jurisdiction of every petition, presented in conformity with the provisions of this act, and to hear and determine the same, on the petition, in case no answer or answers be filed after due notice; or on the petition, and the answer or answers of any person or persons interested in preventing any claim from being established; and the answer of the District Attorney of the United States, where he may have filed an answer, according to the evidence which shall be adduced by the petitioner, by any person interested in preventing the decree of the court in favor of the title of the petitioner or petitioners, and by the United States, in conformity with the principles of justice, and according to the laws and ordinances of the Government under which the claim originated; and the copy of such petition, with a citation to any adverse possessor, or claimant, shall be served on such possessor or claimant, in the ordinary legal manner of serving such process in the State of Missouri, at least fifteen days before the term of the District Court of the United States, to which the same is made returnable; and, in like manner, on the District Attorney of the United States, where the Government is interested in the defence; and it shall be the duty of the United States' Attorney for the district in which the suit shall be instituted, in all cases where the United States are interested on account of the public domain, to take notice of each petition filed under the provisions of this act, in the said district, and to make defence, on all just and proper occasions, in behalf of the public interest.

Sec. 2. *And be it further enacted*, That every petition which shall be presented under the provisions of this act, shall be conducted according to the rules of a court of equity, except that the answer of the District Attorney of the United States shall not be required to be verified by his oath, and tried, without any continuance, unless for cause shown; and the said court shall have full power and authority to hear and determine all questions arising in said cause, relative to the title of the claimants, the extent, locality, and boundaries, of the said claim, or other matters connected therewith, fit and proper to be heard and determined; and, by a final decree, to settle and determine the question of the validity of the title, according to the law of nations; the stipulations of any treaty, and proceedings under the same; the several acts of Congress in relation thereto; and the laws and ordinances of the Government from which it is alleged to have been derived; and all other questions properly arising between the claimants and the United States; which decree shall, in all cases, refer to the treaty, law, or ordinance, under which it is confirmed or decreed against; and the court may, at its discretion, order disputed facts to be found by a jury, according to the regulations and practice of the said court, when directing issues in chancery before the same court; and, in all cases, the party against whom the judgment or decree of the said district court may be finally given, shall be entitled to an appeal, within one year from the time of its rendition, to the Supreme Court of the United States, the decision of which Court shall be final and conclusive between the parties; and, should no appeal be taken, the judgment or decree of the said district court shall, in like manner, be final and conclusive.

Sec. 3. *And be it further enacted*, That the evidence which has been received by the different tribunals which have been constituted and appointed by law to receive such evidence, and to report the same to the Secretary of the Treasury, or to the Commissioner of the General Land Office, upon all claims presented to them, respectively, shall be received and admitted in evidence for or against the United States, in all trials under this act, when the person testifying is dead, or beyond the reach of the court's process; together with such other testimony as it may be in the power of the petitioner, the person or persons interested in the defence made against establishing any claim, or the United States' Attorney, to produce, and which shall be admissible, according to the rules of evidence, and the principles of law.

Sec. 4. *And be it further enacted*, That, in all cases in which evidence shall be offered by the petitioner, which has not been received by either of the tribunals constituted by law for that purpose, it shall be the duty of the Attorney of the United States for the district in which the suit shall be instituted, or any person interested in the defence may examine, or cause to be examined, the witnesses, whether examined in court, or by commission under the authority thereof; and it shall be the duty of the Commissioner of the General Land Office of the United States, or the keeper of any public records, who may have possession of the records and evidence of the different tribunals which have been constituted by law for the adjustment of land titles in Missouri, as held by France, upon the application of any person or persons whose claim to lands has been rejected by such tribunals, or either of them, or on the application of any person interested, or by the Attorney of the United States for the district of Missouri, to furnish copies of such evidence, certified under his official signature, with the seal of office thereto annexed, if there be a seal of office.

Sec. 5. *And be it further enacted*, That any claim to lands, tenements, or hereditaments, within the purview of this act, which shall not be brought by petition before the said courts, within two years from the passing of this act, or which, after being brought before the said courts, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within three years, shall be for ever barred, both at law and equity, and no other action, at common law, or proceedings in equity, shall ever thereafter be sustained in any court whatever, in relation to said claims.

Sec. 6. *And be it further enacted*, That, upon the final decision of any claim prosecuted under this act, in favor of the claimant or claimants, it shall and may be lawful for such claimant to demand, and receive from the clerk of the court in which such final decision is had, a copy of the decree in his, her, or their favor, under the official signature of the clerk, and the seal of the court, if any seal belong to it, and deliver the same to the surveyor of public lands for the State of Missouri, who shall, thereupon, cause the land specified in said decree to be surveyed at the expense of the party; and duplicate plats, and certificates of the survey, so made, to be returned into his office, one of which shall remain in said office, and the other, authenticated by the attestation and official signature of the surveyor of public lands, shall be delivered on demand, to the party interested therein, and the same being presented to the Commissioner of the General Land Office, in Washington City, shall entitle the party interested to a patent from the President of the United States.

Sec. 7. *And be it further enacted*, That in each and every case in which any claim, tried under the provisions of this act, shall be finally decided against the claimant, and in each and every case in which any claim, cognizable under the terms of this act, shall be barred by virtue of the provisions contained therein, the land specified in such claim shall, forthwith, be held and taken as a part of the public lands of the United States, subject to the same disposition as any other public land in the same district.

Sec. 8. *And be it further enacted*, That the clerk of said court shall be, and he is hereby, directed, when any petition of claim is filed, under the provisions of this act, before any proceedings thereon, to require good and sufficient security for all cost and charges which may accrue thereon in prosecuting the same to a final decree; and the District Attorney, Clerk, Marshal, attending witnesses, and jurors, shall severally be allowed such fees for their services and attendance as may be allowed by law for the like services and attendance in the District Court of the State of Missouri, to be paid by the party calling for such service or attendance, except where the petitioner or petitioners fail to prosecute his, her, or their suit, or claim, to a final decree, or to obtain a final decree in his, her, or their favor, or where any such title or claim may have been presented to the commissioner, or the register and receiver, acting as commissioners, for the examination of titles and claims to land in said district, and by them has been reported unfavorably on; in all which cases, all cost, charges, and expenses, of such prosecutions, shall be paid by the petitioner or petitioners; that the clerk of the court, in which the final decree shall be had, shall be allowed one dollar and fifty cents for the official copy of such final decree; that the surveyor of public lands shall be allowed one dollar for each of the official certificates required of him; and the keeper of the records and evidence, taken under former acts of Congress, for the adjustment of land titles, shall be allowed at the rate of ten cents for every hundred words contained in any such written evidence of their claim, to be paid by the party applying therefor.

SEC. 9. *And be it further enacted*, That it shall be the duty of the attorney of the United States for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States, and the claim exceeds one thousand acres, to make out and transmit, to the Attorney General of the United States, a statement containing the facts of the case, and the points of the law on which the same was decided; and if the Attorney General shall be of opinion that the decision of the district court was erroneous, it shall be his duty to direct an appeal to be made to the Supreme Court of the United States, and to appear for, and prosecute, the said appeal in that court; and it shall be the further duty of the District Attorney to observe the instructions given to him by the Attorney General in that respect.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Marshal of the State of Missouri, by himself or deputy, to attend the said court while in session, and to execute all process to him directed by the court, under this act.

SEC. 11. *And be it further enacted*, That if, in any case, it should so happen that the lands, tenements, or hereditaments, decreed to any claimant, under the provisions of this act, shall have been sold by the United States, or otherwise disposed of, or if the same shall not have been heretofore located, in each and every such case, it shall and may be lawful for the party interested, to enter, after the same shall have been offered at public sale, the like quantity of land, in parcels, conformable to sectional divisions and subdivisions, in any land office in the State of Missouri; and, if it should so happen, that, in making such entries, there should remain in the hands of the enterer a fractional excess of acres, of less number than the smallest sectional divisions authorized by law to be sold, it shall and may be lawful for the party interested, to enter, in virtue of such fractional excess, the quantity of one half-quarter section, upon paying one dollar and twenty-five cents for each acre contained in such half-quarter section, over and above the fractional excess to which he may be entitled by such confirmation.

SEC. 12. *And be it further enacted*, That, for the purpose of carrying into effect the provisions of this act, the judge of the District Court for the State of Missouri shall hold his sessions at the following places, viz: at the town of St. Louis, in the county of St. Louis, on the third Monday of September next; at the town of St. Genevieve, in the county of St. Genevieve, on the third Monday of December next; and at the town of Jackson, in the county of Cape Girardeau, on the third Monday of April next; he shall appoint his own clerks; and, after the first and each of the said sessions, he shall thereafter sit upon his own adjournments, at the places aforesaid, until all the business before him shall be completed, or the time limited by this act shall have expired; of which said adjournments, and the time of holding the special sessions, aforesaid, public notice shall be given at each of the places aforesaid, and at such other places, in the State of Missouri, as he shall direct: *Provided*, That, at either of the places aforesaid, the court may take cognizance and jurisdiction of any claim within the limits of the State: *Provided moreover*, That, if there should be any person defending against the confirmation of such claim, in such case the trial, in case he shall request the same, shall be had at that place nearest the residence of such person defending against such confirmation: *Provided*, That none of the provisions of this act shall be applied to a claim of the representatives or assignees of Jacques Clamorgan, deceased, lying between the Missouri and Mississippi rivers, and covering parts of the counties of St. Charles and Lincoln, in the State of Missouri.

SEC. 13. *And be it further enacted*, That the District Judge for the State of Missouri shall, while in the discharge of the duties imposed by this act, be allowed at the rate of eight hundred dollars per annum, in addition to his salary as District Judge for the State of Missouri, which shall be in full for his services.

SEC. 14. *And be it further enacted*, That all the provisions of this act shall extend to, and be applicable to, the Territory of Arkansas; and, for the purpose of finally settling and adjusting the titles and claims to lands derived from the French and Spanish Governments, respectively, the Superior Court for the Territory of Arkansas shall have, hold, and exercise jurisdiction, in all cases, in the same manner, and under the same restrictions and regulations, in all respects, as by this act is given to the District Court for the State of Missouri; and the Judges for the Superior Court, Clerk of said Court, Marshal, and District Attorney of the United States for the said Territory, shall, severally, perform the same duties, and have the same powers, in relation to the claims to land presented and prosecuted in said Court, in the Territory of Arkansas, as is herein provided with regard to the titles and claims to land presented and prosecuted in the District Court for the State of Missouri; and the Judges of said Superior Court, the Clerk, Marshal, and District Attorney, shall, each, severally, receive the same fees, emoluments, and compensation, for their services, as is in this act provided, in regard to the District Judge, Clerk, Marshal, and District Attorney, in the State of Missouri; and the said Court shall commence its first session on the first Monday in October next, at Little Rock, in the Territory of Arkansas; and, afterwards, shall sit upon its own adjournments, at the place aforesaid, until all the business before it shall be completed, or the time limited by this act shall have expired; of which, public notice shall be given, as is provided in this act, in relation to the District Court of the State of Missouri: *Provided*, That in all cases of a decree against the United States, for a greater quantity of land than five hundred acres, in the Superior Court of Arkansas, it shall be the duty of the Attorney of the United States to transmit to the Attorney General of the United States, as soon as may be, a like statement of the facts and points of law in the case, as is required of the District Attorney of Missouri; and the same right of appeal, from the decisions of the Court in Arkansas, shall be allowed to each party, that are prescribed in relation to decisions in the District Court of Missouri.

Sec. 15. *And be it further enacted*, That none of the provisions of the fourteenth section shall extend to claims of a larger amount than one league square.

Approved, May 26, 1824.

An Act to establish an additional Land Office in the State of Missouri.

Be it enacted, &c., That so much of the public lands of the United States, included in the present district of St. Louis, in the State of Missouri, as lies within the following boundaries, to wit: Beginning on the Mississippi river, between townships numbered forty-eight and forty-nine; thence, west, to the range line between ranges ten and eleven; thence, north, to the township line between townships numbered fifty-two and fifty-three; thence, west, to the range line between ranges thirteen and fourteen; thence, north, to the northern boundary line of the State of Missouri; thence, east, with the State line to the river Desmoines; thence, with the river Desmoines, and the State line, to the Mississippi river; thence, with and down the Mississippi river, to the place of beginning, so as to include all the islands within the limits of the State of Missouri, shall be formed into a new land district, to be called "the District of Salt River;" and, for the sale of the public lands within the district hereby constituted, there shall be a land office established at such place, within the said district, as the President of the United States may designate.

Sec. 2. *And be it further enacted*, That there shall be a Register and Receiver appointed to said office, to superintend the sales of public lands in the said district, and who shall reside at the place where said office is established, give security in the same manner and sums, and whose compensation, emoluments, duties, and authorities, shall, in every respect, be the same, in relation to the lands to be disposed of, at their offices, as are or may be, by law, provided, in relation to the Registers and Receivers of Public Moneys in the several offices established for the sale of the public lands.

Sec. 8. *And be it further enacted*, That all such public lands, embraced within the district created by this act, which shall have been offered for sale to the highest bidder, at St. Louis, pursuant to any proclamation of the President of the United States, and which lands remain unsold at the taking effect of this act, shall be subject to be entered and sold at private sale, by the proper officer or officers of the land office hereby created, in the same manner, and subject to the same terms, and upon the like conditions, as the sales of said lands would have been subject to, in the land office at St. Louis, had they remained attached to that office.

Approved, May 26, 1824.

An Act making further appropriations for the Military Service of the United States, for the year one thousand eight hundred and twenty-four, and for other purposes.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to wit:

For pay of a Superintendent of Indian Affairs at St. Louis, and the several Indian Agents, as allowed by law, twenty-six thousand five hundred dollars.

For the pay of Sub-Agents, as allowed by law, thirteen thousand one hundred dollars;

For presents to Indians, as authorized by act of one thousand eight hundred and two, ten thousand dollars;

For contingent expenses, ninety-five thousand dollars;

For making the surveys, compensation to the Commissioners, and other incidental expenses, under the act "for establishing a National Armory on the Western waters," in addition to the sum heretofore appropriated by the said act, four thousand one hundred and thirty-five dollars;

For the Quartermaster's Department, fuel, stationery, and contingencies of the Military Academy, eleven thousand five hundred dollars;

For the salaries of two Clerks in the second Auditor's Office, as authorized by the act of the twentieth April, one thousand eight hundred and eighteen, and not included in the letter of the Secretary of the Treasury, of the ninth of January, transmitting the annual estimates of appropriations for the present year, two thousand eight hundred dollars.

Sec. 2. *And be it further enacted*, That the sum of twenty thousand five hundred and twenty-five dollars and seventy cents, in addition to the unexpended balance of the appropriation of the act of the seventh of May, one thousand eight hundred and twenty-two, of twenty-nine thousand four hundred and twenty-four dollars and thirty cents, be, and the same is hereby, appropriated, out of any money in the Treasury, not otherwise appropriated, to enable the President of the United States to take the necessary measures for the extinguishment of the title of the Creek Indians to the land now occupied by them, lying within the limits of the State of Georgia.

Sec. 3. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money, appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of Treasury notes, received by such person, to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance with this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report, forthwith, to the agent of the Treasury Department, the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Approved, May 26, 1824.

An Act granting donations of land to certain actual settlers in the Territory of Florida.

Be it enacted, &c., That the commissioners for ascertaining titles and claims to lands in Florida be, and they are hereby, authorized and required, within their respective districts, and in addition to their former duties, to receive and examine all claims that may be presented to them, and the evidence in support of each of such claims, founded on habitation and cultivation of any tract of land, town, or city lot, or out-lot, by any person, being the head of a family, and twenty-one years of age, who, on the twenty-second day of February, one thousand eight hundred and nineteen, actually inhabited and cultivated such tract of land, or actually cultivated and improved such lot, or who, on that day, cultivated any tract of land in the vicinity of any town or city, having a permanent residence in such town or city, in said Territory; and to grant certificates of confirmation for any tract of land thus inhabited and cultivated, or cultivated by any person of the above description, residing in any town or city in the vicinity of the tract so cultivated; which land shall be located in an entire body, as nearly as possible, in conformity to the surveys of the contiguous public lands, and so as to embrace the principal improvements then made on any tract so claimed, and shall not exceed in quantity six hundred and forty acres: And it shall also be the duty of said Commissioners to receive claims to land founded on habitation and cultivation, commenced between the twenty-second of February, one thousand eight hundred and nineteen, and the seventeenth of July, one thousand eight hundred and twenty-one, when Florida was surrendered to the United States, and evidence in support of the same; and to report an abstract of all such claims to Congress, and of the claims by them confirmed, to the Secretary of the Treasury; and the claims merely reported on shall be laid before Congress at their next session, with the evidence of the time, nature, and extent of such habitation and cultivation, in each case, and the extent of the claim: *Provided*, That no claim shall be received, confirmed, or reported to Congress, by the said Commissioners, for confirmation, in favor of any person, or the legal representatives of any person, who claims any tract of land in said Territory, by virtue of any written evidence of the title derived from either the British or Spanish Governments.

Approved, May 26, 1824.

An Act granting certain lots of ground to the Corporation of the City of Mobile, and to certain individuals of said city.

Be it enacted, &c., That all the right and claim of the United States to the lots known as the hospital and bake-house lots, containing about three-fourths of an acre of land, in the city of Mobile, in the State of Alabama; and also all the right and claim of the United States to all the lots not sold or confirmed to individuals, either by this or any former act, and to which no equitable title exists in favor of any individual under this or any other act, between high-water mark and the channel of the river, and between Church street and North Boundary street, in front of the said city, be and the same are hereby vested in the Mayor and Aldermen of the said city of Mobile for the time being, and their successors in office, for the sole use and benefit of the said city, forever.

SEC. 2. *And be it further enacted*, That all the right and claim of the United States to so many of the lots of ground east of Water street and between Church street and North Boundary street, now known as water lots, as are situated between the channel of the river and the front of the lots known under the Spanish Government as water lots, in the said city of Mobile, whereon improvements have been made, be and the same are hereby vested in the several proprietors and occupants of each of the lots heretofore fronting on the river Mobile, except in cases where such proprietor or occupant has alienated his right to any such lot, now designated as a water lot, or the Spanish Government has made a new grant or order of survey for the same, during the time at which they had the power to grant the same; in which case, the right and claim of the United States shall be and is hereby vested in the person to whom such alienation, grant, or order of survey, was made, or in his legal representative: *Provided*, That nothing in this act contained shall be construed to affect the claim or claims, if any such there be, of any individual or individuals, or of any body politic or corporate.

Approved, May 26, 1824.

An Act to complete the Survey of the Southern and Western Boundary of the State of Missouri.

Be it enacted, &c., That the sum of fifteen hundred dollars, to be paid out of any money in the Treasury, not otherwise appropriated, and to be applied under the direction of the Secretary of the Treasury, be and the same is hereby appropriated, to complete the payment for surveying the southern boundary line of the State of Missouri, and so much of the western boundary line thereof as lies south of the Missouri river.

Approved, May 26, 1824.

An Act making an appropriation towards the extinguishment of the Quaupau titles to lands in the Territory of Arkansas.

Be it enacted, &c., That a sum not exceeding seven thousand five hundred dollars be and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to enable the President of the United States to negotiate a treaty with the Quaupau Indians, for the extinguishment of their title to lands in the Territory of Arkansas.

Approved, May 26, 1824.

An Act supplementary to an act of Congress, passed on the thirteenth day of June, one thousand eight hundred and twelve, entitled "An act making further provision for settling the claims to land in the Territory of Missouri."

Be it enacted, &c., That it shall be the duty of the individual owners or claimants of town or village lots, and common field lots, in, adjoining, or belonging to the several towns or villages of Portage des Sioux, St. Charles, St. Louis, St. Ferdinand, Villa à Robert, Carondelet, St. Genevieve, New Madrid, New Bourbon, and Little Prairie, in Missouri, and the village of Arkansas, in the Territory of Arkansas, whose lots were confirmed by the act of Congress of the thirtieth of June, one thousand eight hundred and twelve, entitled "An act making further provision for settling the claims to land in the Territory of Missouri," on the ground of inhabitation, cultivation, or possession, prior to the twentieth day of December, one thousand eight hundred and three, to proceed, within eighteen months after the passage of this act, to designate their said lots by proving, before the recorder of land titles for said State and Territory, the fact of such inhabitation, cultivation, or possession, and the boundaries and extent of each claim, so as to enable the Surveyor General to distinguish the private from the vacant lots, appertaining to the said towns and villages.

Sec. 2. *And be it further enacted*, That, immediately after the expiration of the said term allowed for proving such facts, it shall be the duty of the Surveyor General, within whose district such lots lie, to proceed, under the instructions of the Commissioner of the General Land Office, to survey, designate, and set apart to the said towns and villages, respectively, so many of the said vacant town or village lots, out lots, and common field lots, for the support of schools in the said towns and villages, respectively, as the President of the United States shall not, before that time, have reserved for military purposes, and not exceeding one-twentieth part of the whole lands included in the general survey of such town, or village, according to the provisions of the second section of the above mentioned act of Congress; of, [and] also, to survey and designate, so soon after the passage of this act as may be, the commons belonging to said towns and villages, according to their respective claims and confirmations, under the said act of Congress, where the same has not been already done: *Provided*, That lots relinquished to the United States on account of damages done them by the earthquakes, and in lieu of which lands have been located elsewhere, shall neither be so designated or set apart, nor taken into the estimate of the quantity to which any town or village is entitled.

Sec. 3. *And be it further enacted*, That the Recorder shall issue a certificate of confirmation for each claim confirmed, and shall receive for the services required of him by this act the sum of one dollar for each lot so proved to have been inhabited, cultivated, and possessed, to be paid by the respective claimants; and, so soon as the said term shall have expired, he shall furnish the Surveyor General with a list of the lots so proved to have been inhabited, cultivated, or possessed, to serve as his guide in distinguishing them from the vacant lots to be set apart as above described, and shall transmit a copy of such list to the Commissioner of the General Land Office.

Sec. 4. *And be it further enacted*, That the provisions of this act, and of the aforesaid act of the thirtieth of June, one thousand eight hundred and twelve, be, and the same are hereby, extended to the village of Mine à Burton, and the right of filing their claims with the Recorder.

Approved, May 26, 1824.

An Act granting to the Counties or Parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same.

Be it enacted, &c., That there be granted to the several counties or parishes of each State and Territory of the United States, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one-quarter section of land, in each of the counties or parishes of said States and Territories, in trust for said counties or parishes, respectively, for the establishment of seats of justice therein: *Provided*, The proceeds of the sale of each of said quarter sections shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same: *And provided further*, That the seat of justice for said counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

Sec. 2. *And be it further enacted*, That so much of such acts, heretofore passed, granting to States rights of pre-emption, for county or parish purposes, as require said seats of justice to be continued at or near the centre of each of said counties or parishes, be, and the same is hereby, repealed.

Approved, May 26, 1824.

An Act making appropriations for carrying into effect certain Indian Treaties.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, that is to say:

For carrying into effect so much of the fourth article of the treaty of the eighth January, eighteen hundred and twenty-one, between the United States, and the Creek nation, as relates to the compensation due to the citizens of Georgia, by the Creek nation, the appropriation heretofore made for that object being exhausted, the sum of twenty-three thousand dollars;

For the payment of the annuity to the Creek nation, as provided for by the same article of said Treaty, the sum of sixteen thousand dollars, annually, for five years, and the sum of ten thousand dollars, annually, for six years thereafter;

For implements of husbandry, and stock of cattle and hogs, agreeably to the stipulation contained in the third article of the treaty with the Florida Indians, of the eighteenth September, eighteen hundred and twenty-three, the sum of six thousand dollars;

For the payment of the annuity to the Florida Indians, as provided for by the third article of said treaty, the sum of five thousand dollars, annually, for twenty years;

For the expense of rations to be furnished to said Indians, agreeably to the fifth article of said treaty, the sum of sixty-five thousand seven hundred dollars;

For compensation for improvements that may be abandoned by said Indians, as provided for by the fifth article of said treaty, the sum of four thousand five hundred dollars;

For transportation of the different tribes to the lands assigned them by the said treaty, as provided for by the fifth article of the same, the sum of two thousand dollars;

For the establishment of a school, and the support of a gunsmith for said Indians, as provided for by the sixth article of said treaty, the sum of two thousand dollars, annually, for twenty years;

For running the line of the land assigned to said Indians, as provided for in the seventh article of said treaty, the sum of five thousand dollars.

SEC. 2. *And be it further enacted*, That the said sums be, and they are hereby, directed to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, May 26, 1824.

An Act to regulate the mode of practice in the Courts of the United States, for the District of Louisiana.

Be it enacted, &c., That the mode of proceeding in civil causes in the courts of the United States, that now are, or hereafter may be, established in the State of Louisiana, shall be conformable to the laws directing the mode of practice in the district courts of the said State: *Provided*, That the judge of any such court of the United States may alter the times limited or allowed for different proceedings in the State courts, and make, by rule, such other provisions as may be necessary to adapt the said laws of procedure to the organization of such courts of the United States, and to avoid any discrepancy, if any such should exist, between such State laws and the laws of the United States.

SEC. 2. *And be it further enacted*, That petit jurors, for the trial of all causes, as well civil as criminal, shall be designated, summoned, and returned, in the manner that now is directed by the laws of the said State, with respect to jurors, to serve in the district courts of the said State of Louisiana; and that all the duties directed by such State laws to be performed by the sheriffs and clerks, in relation to the designation, summoning, and returning, such jurors, shall be performed by the Marshal of the United States and the clerk of the court of the United States, in the district where such court of the United States shall sit, and that the petit jurors to serve in such court of the United States, shall be taken from the parish in which said court holds its sessions, but, that the grand jurors may come from any part of the district, and may be summoned and empannelled by the Marshal, in the manner now prescribed; and the Marshal, for the purpose of designating such petit jurors, shall take the names of all persons liable to serve as jurors, from the list made by the sheriff, for the purpose of drawing jurors for the district court of the State; and such number of jurors shall be drawn for each term of such court of the United States, or for such portion of each term as the court may, by its rules, direct: *Provided*, That nothing herein contained shall be so construed as to prevent the judge of any of the said courts of the United States from directing a jury to be summoned from any other parish within the District, whenever it may be necessary to secure an impartial trial; but that, in all such cases, the names of the jury shall be also designated, by lot, in the manner directed by the laws of the State, for designating jurors to serve in the district courts: *And provided, also*, That special juries may be directed for the trial of any particular civil cause, by the consent of parties, but not otherwise.

Approved, May 26, 1824.

An Act for altering the time of holding the Circuit Court of the United States for the fourth circuit in the Maryland District.

Be it enacted, &c., That the terms of the Circuit Court of the United States for the fourth circuit in the district of Maryland, which are now directed by law to be holden on the first day of May and seventh day of November, in each year, shall be hereafter holden on the 8th days of May and December in each year, except where such days shall occur on Sunday, when the terms of the said Court shall commence and be holden on the next succeeding day.

SEC. 2. *And be it further enacted*, That the first session of the said Circuit Court, after the passage of this act, shall be held on the eighth day of December, in the year eighteen hundred and twenty-four.

SEC. 3. *And be it further enacted*, That all process which may have issued, or which may hereafter issue, returnable to the next succeeding terms, as heretofore established, shall be held returnable, and be returned, to those terms to which they are severally changed by this act.

Approved, May 26, 1824.

An Act authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the coast of Florida, and for other purposes.

Be it enacted, *&c.*, That the Secretary of the Navy be, and he is hereby, authorized to cause to be made an examination and survey of the harbors of Charleston, in South Carolina, and St. Mary's, in Georgia, in reference to the expediency of establishing a navy yard at either of those places, for the building and repairing sloops of war and other vessels of an inferior class; and, also, to cause to be made and perfected, an examination and survey of the harbor of Pensacola, and the coast of Florida, in order to ascertain the expediency of establishing a naval depot at Pensacola, or at such place in the vicinity of it, as may be most advantageous to the United States; and that the sum of five thousand dollars be, and the same is hereby, appropriated, for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated.

Approved, May 25, 1824.

An Act further to regulate the inspection of flour in the county of Alexandria.

Be it enacted, *&c.*, That, for the better regulation of the inspection of flour within the county of Alexandria, in the District of Columbia, the Common Council of the town of Alexandria shall be, and they are hereby, empowered and required to divide the said county and town into two inspection districts; that, to each of these districts, there shall be appointed a flour inspector, in the mode now authorized by law, to perform alternate duties in the said districts; each of the said inspectors shall be liable to removal from office at any time within the term for which he shall have been appointed by the court making the appointment; and, during his continuance in office, shall enjoy the same rights, and be subject to like duties and restraints, as the present inspector of flour in the said county of Alexandria.

SEC. 2. *And be it further enacted*, That the said Common Council be, and they are hereby, empowered to provide for a re-inspection of flour in store, whenever, in their opinion, it may require it, and to regulate the exportation and shipment thereof; to pass laws for the punishment of all persons who shall be guilty of fraud, or otherwise violate their regulations, and to alter or amend the present inspection laws, so far as may be necessary to effect that object.

Approved, May 26, 1824.

An Act to alter the Judicial Districts of Virginia, and for other purposes.

Be it enacted, *&c.*, That the following counties in the State of Virginia shall cease to be a part of the Eastern Judicial District of Virginia, and shall be added to, and form a part of, the Western District, that is to say: the counties of Botetourt, Rockbridge, Alleghany, Bath, Pendleton, Augusta, Rockingham, Shenandoah, Frederick, Jefferson, Berkley, Morgan, Hampshire, and Hardy; and that, in addition to the terms of the District Court, now holden in the Western District, the Judge of said Western District shall hold two terms in the each year, at Staunton, in the county of Augusta.

SEC. 2. *And be it further enacted*, That the terms of the courts in the said Western District shall be held on the days, and at the places, hereinafter mentioned, viz: at Staunton, on the second Mondays in April and September; at Wythe Courthouse, on the third Mondays in April and September; at Lewisburg, on the fourth Mondays in April and September; and at Clarksburg, on the fourth Mondays in May and October, in each year.

SEC. 3. *And be it further enacted*, That, if the judge shall not attend on the first day of any court, such court shall stand adjourned, from day to day, for three days, if the same cause continue; after which time, if the judge still fail to attend, the court shall stand adjourned until the first day of the next term.

SEC. 4. *And be it further enacted*, That the judge of said court shall have power to hold special sessions, at his discretion, at either of the said places, for the trial of civil or criminal cases.

Approved, May 26, 1824.

An Act to provide for the sale of lands conveyed to the United States in certain cases, and for other purposes.

Be it enacted, *&c.*, That the agent of the Treasury be, and he hereby is, authorized, in all cases where the estates of insolvent debtors have been, or hereafter shall be, assigned to the United States, under the act of the sixth June, seventeen hundred and ninety-eight, entitled "An act providing for the discharge of persons imprisoned for debts due to the United States," to sell such estates, whether real or personal, at such time, and in such manner, as, with the approbation of the Secretary of the Treasury, he shall think fit, for the best price that can be had therefor, and to make all needful conveyances, assignments, or transfers, of the same, to the purchaser or purchasers.

SEC. 2. *And be it further enacted*, That, at any and every sale on executions, at the suit of the United States, of lands or tenements of a debtor, it shall be lawful for the United States, by such agent as the agent of the Treasury shall appoint, to become the purchaser of such lands and tenements: *Provided*, That, in no case, shall such agent bid in behalf of the United States for a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs; and it shall be the duty of the marshal of the district, in which such sale shall be held, in case such purchases shall be made, to make al needful conveyances, assignments, and transfers, to the United States; and the agent of the Treasury is hereby authorized, with the approbation of the Secretary of the Treasury, to sell and convey the said lands and tenements, in the same manner as is directed by the first section of this act, in respect to lands and tenements assigned by insolvent debtors.

SEC. 3. *And be it further enacted*, That nothing herein contained shall be deemed or construed to take away or impair any other remedy which the United States may be now entitled to have against the person or property of debtors, to enforce the satisfaction of judgments obtained, or which may hereafter be obtained.

Approved, May 26, 1824.

An Act concerning the pre-emption rights in the Territory of Arkansas.

Be it enacted, &c., That every person, and the legal representative of every person, who was entitled to the right of pre-emption, in the Territory of Arkansas, under the provisions of the act of Congress of the 12th of April, one thousand eight hundred and fourteen, entitled "An act for the final adjustment of land titles in the State of Lousiana and Territory of Missouri," in that tract of country, north of the river Arkansas, ceded by the United States to the Cherokee nation of Indians, on the eighth day of July, one thousand eight hundred and seventeen, be, and they are hereby, authorized, in lieu thereof, and in full compensation for such right of pre-emption, to enter with the Register of the Land Office in the District of Lawrence, in said Territory, any tract within said District, on which they may have made improvements previously to the passage of this act, or any unimproved tract within said District, the sale of which is authorized by law: *Provided*, That no more than one quarter section of land shall be sold to any one individual, in virtue of this act; and the same shall be bounded by the sectional and divisional lines run, or to be run, under the direction of the Surveyor of the United States' Lands for the States of Missouri and Illinois, and Territory of Arkansas.

SEC. 3. *And be it further enacted*, That every person claiming a preference in becoming the purchaser of a tract of land, in virtue of this act, shall deliver a notice in writing to the Register of the Land Office for said District, stating therein that he was entitled to a pre-emption right, under the aforesaid act of Congress, in that part of the Territory of Arkansas ceded as aforesaid; and, also, particularly designating therein the quarter section he is desirous to enter, which notice the Register shall file in his office; and in every case, where it shall be proved to the satisfaction of the Register and Receiver of Public Moneys of the Land Office aforesaid, that any person, who has delivered such notice, was entitled to a pre-emption right under said act of Congress, in that part of the Territory of Arkansas, ceded as aforesaid, shall have a right to enter with the Register of said Land Office, at the minimum price for which the United States' lands are sold, the tract of land designated in said notice, on producing his receipt from the Receiver of Public Moneys, for the purchase money of said tract, as in case of other public lands sold at private sale; and, as a compensation for their services, the Register and Receiver shall, each, be entitled to one dollar in every such case, to be paid by the claimant of such pre-emption right: *Provided*, That every such entry and payment shall be made at least two weeks previous to the time of offering the adjacent lands at public sale, unless the same be entered in such part of said District as shall have been offered at public sale at the time of the passage of this act; in which case, such entry shall be made within two years from the passage thereof.

Approved, May 26, 1824.

An Act providing for the disposition of three several tracts of lands in Tuscarawas County, in the State of Ohio, and for other purposes.

Be it enacted, &c., That the three several tracts of land, lying in the county of Tuscarawas, in the State of Ohio, lately retroceded to the United States by the Society of United Brethren for propagating the Gospel among the Heathen, shall be surveyed and laid off into such lots, having regard to the existing surveys and improvements thereon, as will best conduce to the sale thereof: *Provided*, That the lots and tracts which the United States are bound to convey to the said Society, shall be laid off according to the contract for retrocession: *And provided, also*, That a suitable number of in-lots and out-lots, in the town of Gnadenhutten, shall be laid off for said town, embracing the improved part thereof, and the fields adjoining, now occupied by the inhabitants, which shall be platted and numbered, and a copy recorded in said county, according to the laws of Ohio.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and is hereby, authorized to appoint an agent, who shall reside near the said land, whose duty it shall be to superintend and direct the survey of said land and lots; to receive and pay over to the Treasury the rents due, and to become due, on said lands; to take possession of such parts of said lands as may be forfeited by the tenants, by reason of non-performance of the covenants in their leases; to ascertain the actual cash value of each of the lots and town lots, with the improvements thereon, and, also, the value of each, subject to the conditions of the lease outstanding on it, by the aid of two disinterested appraisers, to be selected by the Secretary; to ascertain the award to be made to Isaac Simners, Jesse Walton, Barzillai Walton, Jesse Hill, and Boaz Walton, according to their leases; to receive a surrender of such of the leases outstanding on such lands, as the holders thereof may be disposed to make, who have, or shall first comply with the conditions of their leases, up to the time of their surrender; to superintend the sale of said lands and lots, and to transfer to the purchasers who shall buy any of said land or lots, subjected to the leases thereon, the lease of the lot or land so bought; and to do whatever else may be necessary to effect a speedy and advantageous disposition of said lands and lots.

Sec. 3. *And be it further enacted*, That a right of pre-emption shall be allowed to John Andreas, John Neigaman, Jacob Winsh, and Catharine Tschudy, at the real cash value of the lots occupied by them, according to the stipulations of the said agreement for retrocession, and to any of the lessees, for any of the remaining lots, or town lots, to an amount not exceeding the amount stipulated to be paid to them by the United States: *Provided*, That any of the persons entitled to pre-emption, who shall be desirous to avail themselves of such right, shall give notice to the said agent of such their intention, before the cash value of the lots is ascertained; and, in the case of the lessees, shall, at or before the time of giving such notice, pay all arrears of rent, and surrender their leases; and shall, immediately after the said cash value is ascertained, be entitled to a patent for the lot or land to which they are entitled as aforesaid, on paying the amount of such cash value; or, in the case of the Society, on the executing and delivering to said agent, a discharge to the United States, for so much as said lot or land, whereto a pre-emption is claimed, shall amount to, on account of any sum to become due them by reason of stipulations in said retrocession; and no right to such pre-emption shall be considered as extending beyond the time of commencing the sale of said lands, as hereinafter directed.

Sec. 4. *And be it further enacted*, That the Secretary of the Treasury may cause to be designated, and allowed for public use, the usual ground for streets and alleys in said town, for public ground and for schools; and may, moreover, cause to be designated and set apart, one lot in each of said tracts, not exceeding one thirty-sixth part of each, the title whereof shall be vested in the Legislature of the State of Ohio, and held in trust for the use of schools, in the same manner as other lands, granted by the United States for the use of schools, are held in that State.

Sec. 5. *And be it further enacted*, That, immediately after the said surveys shall be completed, the cash value ascertained, and the school lands designated, the said agent shall give notice, by advertisement in one newspaper in Washington City, and one in Steubenville, one in Zanesville, and one in New Philadelphia, Ohio, of the time, not less than sixty days from the first publication, when he will offer the said lands and lots for sale, at public vendue, at the courthouse in New Philadelphia aforesaid; and shall, at such time and place, proceed to offer for sale, to the highest bidder, any of said lands or lots, remaining undisposed of, in the manner hereinbefore provided for; and none of said lots or land, shall be put up at a less sum than the actual cash value, ascertained as aforesaid; and in case any of said lessees shall have failed, or refused, to surrender their leases, the sale shall be made subject to those leases; and each purchaser, who may purchase at such sale, shall immediately pay to the said agent the amount of his purchase, and take his receipt for the amount, specifying the lot or land purchased; upon which the purchaser shall be entitled to a patent, as other purchasers of public lands are: but, in case any purchaser shall fail to make his payment as aforesaid, at or before the close of the sale, he shall be considered as having forfeited his purchase, and the land struck off to him shall be again offered for sale, in the same manner as if it had never been struck off; and the said agent, immediately after the close of such sale, shall pay over the money received at such sale, and for rent, to the United States, and report all his proceedings to the General Land Office; and the President shall be, and he is hereby, authorized, whenever the boundaries of the several lots stipulated to be conveyed to the said Society shall be ascertained, to issue patents therefor to said Society.

Sec. 6. *And be it further enacted*, That the agent herein provided for, shall take an oath of office, and give bond and security, in such sum and form as the Secretary of the Treasury may direct, and be allowed and paid, for his services, a salary at the rate of six hundred dollars per annum: *Provided*, That said office shall not continue longer than is necessary to perform the duties herein required, and not longer than one year; and said salary, together with the incidental expenses attending the said survey and sale, shall be charged to the fund to be raised by the sale of said lots and land. The said appraisers shall be allowed the sum of two dollars for each day actually employed in the appraisement aforesaid, and neither the said agent nor appraisers shall be at liberty to purchase any of the said lands or lots.

Sec. 7. *And be it further enacted*, That, if any such land or lots remain unsold at public auction, as aforesaid, the same shall be subject to entry and sale at the land office in Zanesville, in Ohio, at the actual cash price, ascertained as aforesaid, in the same manner that other lands of the United States are authorized to be entered; and it shall be the duty of the accounting officers of the Treasury Department to keep a separate account of the proceeds of the lots and lands aforesaid, and of all moneys received and disbursed on account thereof; and, after the expenses of survey and sale of said lots and land shall be reimbursed, it shall be the duty of the Secretary of the Treasury to pay to the said society the sums stipulated to be paid them, and for which they shall not have taken lands and lots as hereinbefore provided for; to pay the said Simners, Hill, and Waltons, the sums awarded to them; and then to credit the residue of the proceeds of said lots and lands, as they shall be received, to the fund for raising the annuity for the Christian Indians, so called, in the manner stipulated in the agreement entered into with them on the eighth of November, one thousand eight hundred and twenty-three.

Sec. 8. *And be it further enacted*, That, whenever the said Christian Indians shall notify the President of the United States that they wish to remove from their present residence, on the river Thames, into the territory of the United States, it shall be lawful for the President to designate a reservation of not less than twenty-four thousand acres of land, to be held by the said Indians in the usual manner of Indian reservations, so long as they shall live thereon; and from the time said Indians shall remove on to said reservation the annuity shall cease.

Approved, May 26, 1824.

RESOLUTIONS.

Resolution in relation to an intended visit of the Marquis de Lafayette to the United States.

The Marquis de Lafayette having expressed his intention to revisit this country—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished for him by the Government and people of the United States.

And be it further resolved, That whenever the President shall be informed of the time when the Marquis may be ready to embark, that a national ship, with suitable accommodation, be employed to bring him to the United States.

Approved, February 4, 1824.

Resolutions providing a place of deposite for the Portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State.

Resolved, &c., That the Portrait of Columbus, presented to the nation by G. G. Barrell, United States Consul at Malaga, be placed in the Library of Congress.

Resolved, That the two hundred copies of the Declaration of Independence, now in the Department of State, be distributed in the manner following: two copies to each of the surviving signers of the Declaration of Independence; two copies to the President of the United States; two copies to the Vice President of the United States; two copies to the late President, Mr. Madison; two copies to the Marquis de Lafayette; twenty copies for the two Houses of Congress; twelve copies for the different Departments of the Government; two copies for the President's house; two copies for the Supreme Court room; one copy to each of the Governors of the States; and one to each branch of the Legislatures of the States; one copy to each of the Governors of the Territories of the United States; and one copy to the Legislative Council of each Territory; and the remaining copies to the different Universities and Colleges of the United States, as the President of the United States may direct.

Resolved, That the President of the United States be requested to cause the distribution of the said copies of the Declaration of Independence to be made, agreeably to the foregoing resolution.

Approved, May 26, 1824.